

# **Exhibit 4**

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IN THE MATTER OF INDEPENDENT  
INVESTIGATION UNDER  
EXECUTIVE LAW 63(8)

-----X  
REMOTE PROCEEDINGS  
RICHARD AZZOPARDI  
TUESDAY, JUNE 23, 2021  
9:00 A.M.

Reference No.: 4616221  
Reported By: Rita Persichetty

Page 2

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21

22 VIDEOGRAPHER: MARC FRIEDMAN

23

24

25

## PROCEEDINGS

THE VIDEOGRAPHER: Good morning. We are going on the record at 8:58 a.m. on Wednesday, June 23, 2021. Please silence your cell phone, computer tones or any other electronic devices you have near you. Audio and video recording will continue to take place unless all parties agree to go off the record.

This is media unit number one of the  
video recorded deposition of witness  
06/23/2021. My name is Mark Friedman, I'm  
your certified video legal specialist.  
Your court reporter today is Rita  
Persichetty and we are both from the firm  
of Veritext Legal Solutions.

This deposition is being held via remote video conference. All counsel consent to this remote video arrangement and waive any objections to this matter of reporting. If there any objections to the court reporter swearing the witness remotely and this remote video arrangement please state them now.

Hearing no objection, would counsel

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1 now state on the record their appearances  
2 and affiliations, beginning with the  
3 noticing attorney.

4 MR. J KIM: Good morning. This is  
5 Joon Kim, the law firm of Cleary, Gottlieb,  
6 Steen & Hamilton. I'm appearing in my  
7 capacity as a special deputy to the first  
8 deputy attorney general of the State of New  
9 York.

10 MS. MUSTEFA: Good morning. My name  
11 is Hyatt Mustefa. I'm also affiliated with  
12 the law firm Cleary, Gottlieb, Steen &  
13 Hamilton, and also I am a special deputy to  
14 the first deputy of the New York attorney  
15 general.

16 MR. E KIM: Morning. Edward Kim. Oh,  
17 I'm sorry. Edward Kim from the law firm of  
18 Krieger Kim & Lewin in for Rich as a party.  
19 And I'm joined off camera by my colleague  
20 Alexandra Messiter from the same firm.

21 THE VIDEOGRAPHER: Would the court  
22 reporter please swear in our witness and we  
23 can proceed.

24 THE COURT REPORTER: The attorneys  
25 participating in this deposition

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1 acknowledge that I am not physically  
2 present in the deposition room and that I  
3 will be reporting this deposition remotely.  
4 They further acknowledge that, in lieu of  
5 an oath administered in person, the witness  
6 will verbally declare his testimony in this  
7 matter is under penalty of perjury. The  
8 parties and their counsel consent to this  
9 arrangement and waive any objections to  
10 this manner of reporting. Please indicate  
11 your agreement by stating your name and  
12 your agreement on the record.

13 MR. E KIM: Edward Kim, no objection.

14 MR. J KIM: Same, no objection.

15 R I C H A R D        A Z Z O P A R D I,  
16 called as a witness, having been sworn  
17 by the Notary Public, was examined and  
18 testified as follows:

19 EXAMINATION

20 BY MR. J KIM:

21 Q. Good morning. Can you hear me?

22 A. I can.

23 Q. Okay. So as we mentioned at the  
24 start, the -- we are -- I'm appearing on  
25 behalf -- in my capacity as a special deputy to

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1 the first deputy attorney general. The New York  
2 Attorney General's office has appointed the law  
3 firms of Cleary, Gottlieb, Steen & Hamilton and  
4 Vladeck, Raskin & Clark to conduct an  
5 independent investigation under New York  
6 executive law section 63(8) into allegations of  
7 sexual harassment brought against the governor,  
8 Andrew Cuomo, as well as the surrounding  
9 circumstances.

10                   And you are here today pursuant to a  
11 subpoena that's been issued in connection with  
12 that investigation.

13                   Do you understand that?

14                   A.    Yup.

15                   Q.    And I'll note at the outset that, as  
16 you can see, the proceeding is being video  
17 recorded. And you are under oath, and that  
18 means you must testify fully and truthfully just  
19 as if you were in a court of law sitting before  
20 a judge or a jury. And your testimony is  
21 subject to the penalty of perjury.

22                   Do you understand that?

23                   A.    I do.

24                   Q.    And if you would like to make a brief  
25 sworn statement, we will give you an opportunity

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1 to do so before the conclusion of the  
2 examination. And I'll remind you and your  
3 counsel of that opportunity at the end of the  
4 testimony today, at the end of my questions.

5                 Although this is a civil  
6 investigation, the New York Attorney General's  
7 office also has criminal enforcement powers and  
8 you have the right to refuse to answer any  
9 questions that we ask if answering the question  
10 might incriminate you.

11                 Do you understand that right?

12                 A. Sure.

13                 Q. However, a failure to answer a  
14 question that we ask can be used against you in  
15 a court of law in a civil noncriminal  
16 proceeding. And so asserting your Fifth  
17 Amendment right, although you are entitled to do  
18 so, and there can be no negative inferences  
19 drawn from it in a criminal proceeding, the fact  
20 that you assert a Fifth Amendment right can be  
21 used in a noncriminal civil proceeding.

22                 Do you understand that?

23                 A. Yes.

24                 Q. You're appearing today with your  
25 attorney present, and you can consult with the

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1 two of them on questions of privilege. And if  
2 an issue of privilege comes up, you know, you  
3 should -- we'll give you an opportunity to speak  
4 with them. We would ask, however, that if  
5 there's a question pending, that you answer that  
6 question to the best of your ability before  
7 consulting with your lawyer.

8 Do you understand that?

9 A. Okay. Yes.

10 Q. We also have, as you can see, a  
11 videographer and a court reporter present. And  
12 the court reporter will be taking down my  
13 questions, our questions, and your answers, and  
14 so it will be important in order to have a clean  
15 record for you to answer all of the questions  
16 verbally. So not a nod or a shake of the head  
17 or with uh-huhs or -- you know, with a yes or no  
18 in addition to the other words that you use.

19 Do you understand that?

20 A. Okay.

21 Q. And we should also try not to speak  
22 over each other. I'll try to wait for your  
23 answers to be complete before asking another  
24 question, and if you can wait until my question  
25 is over before answering, that will ensure the

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1       cleanest record possible.

2                 If you don't understand a question,  
3       please let me know and I'll try to rephrase it a  
4       different way so that you can understand it.

5                 I will be asking questions that --  
6       about names and dates and other specific  
7       information. If you remember the specific  
8       information, you are obligated, as you're under  
9       oath, to give that answer. Even if you don't  
10      have a recollection of a specific name or date,  
11      you're still obligated to give your general  
12      recollection of what I'm asking about and just  
13      make clear that, you know, your recollection is  
14      of a general nature as opposed to -- if you  
15      don't remember the specifics.

16                 Do you understand that?

17                 A. I do.

18                 Q. If you need a break at any point,  
19       please tell us and we will -- as I said, unless  
20       there's a question pending or an appropriate  
21       time shortly after, we'll take a break. And  
22       also we should -- we'll try to take a short  
23       lunch break so, you know, everyone involved can  
24       get something to eat.

25                 Can you confirm -- can you and your

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1 lawyers confirm that you're not yourselves  
2 recording this proceeding on your end?

3 A. Yeah, we can confirm we're not --  
4 we're not recording.

5 Q. Okay. And can you also confirm that  
6 you will not communicate, during the dep --  
7 during the testimony, with anyone outside of the  
8 group that's sitting there, even at breaks,  
9 about the substance of the testimony?

10 A. Confirmed, yes.

11 Q. Under executive law 63(8), the  
12 provision under which this investigation is  
13 being conducted and this testimony is being  
14 taken, the law has strict confidentiality  
15 requirements that prohibits you and your counsel  
16 from revealing anything that we ask you about  
17 during your testimony to anyone.

18 And if anyone asks you to disclose  
19 that information, we would ask that you let us  
20 know, through your lawyers.

21 A. Okay.

22 Q. Do you understand that?

23 A. I do.

24 Q. And you're also entitled to be free  
25 from retaliation for answering our questions

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1 or -- and cooperating with our investigation.  
2 And if you believe at any point in time that you  
3 are being retaliated against for complying with  
4 the subpoena or answering our questions, we also  
5 ask that you inform us, through your lawyers, so  
6 that we can be made aware of that as well.

7 A. Okay.

8 Q. Are you taking any medication or drugs  
9 that might make it difficult for you today to  
10 understand any questions?

11 A. No.

12 Q. Have you had any alcohol today?

13 A. I have not.

14 Q. Okay. Is there any reason why you  
15 would not be able to answer the questions today  
16 fully and truthfully?

17 A. Not to my knowledge.

18 Q. Okay. Can you please state your name,  
19 give us your date of birth and your current home  
20 and business addresses for the record?

21 A. Sure. My name is Richard Alan  
22 Azzopardi. I was born [REDACTED]. I  
23 currently live at [REDACTED]  
24 [REDACTED]. I currently work at the --  
25 at -- in the executive chamber at the State

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1 Capitol. The State Capitol does not have a  
2 street -- does not have an actual address. The  
3 Dunkin Donuts within the State Capitol is 170  
4 State Street. Closest thing I got.

5 Q. Okay. Good to know.

6 Have you given testimony before?

7 A. I have not.

8 Q. And other than conversations with your  
9 attorneys, what have you done to prepare for  
10 today's testimony?

11 A. I slept well last night. I've -- you  
12 know, it's -- it's a tricky question for you to  
13 ask me, Counselor, because I occasionally have  
14 to answer press inquiries about -- about this  
15 inquiry.

16 Q. Yeah. No. In terms of your  
17 testimony, though, what have you done to prepare  
18 for it?

19 A. I consulted with my -- I consulted  
20 with my attorneys more than they probably would  
21 like.

22 Q. Any one other than your attorneys?

23 A. No.

24 Q. Who else knows that you are testifying  
25 today, other than your attorneys?

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1           A. My wife, my super -- my supervisor so  
2 I can take the day off.

3           Q. And who's your supervisor?

4           A. Melissa DeRosa.

5           Q. Anyone else you told?

6           A. No, not to my knowledge.

7           Q. And --

8           A. No one else I've told. No one else  
9 I've told. No one else knows, to my knowledge.

10          Q. And did Melissa DeRosa say anything to  
11 you about the testimony?

12          A. No.

13          Q. I think we sent over to your counsel a  
14 binder or there's three binders in there, a  
15 Redweld of documents. I think at this point if  
16 you can open it up. I think we should have sent  
17 over two sets so that you can take a look and  
18 your lawyer can take a look, but ...

19           MR. E KIM: Give us one sec, Joon.

20           MR. J KIM: Okay.

21           MR. E KIM: We have to cut the box  
22 open.

23           (Off the record.)

24          Q. So you have them in front of you?

25          A. I do.

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1           Q.    Okay.  It should be three binders.  
2       One of them should say "binder one," one of them  
3       should say "binder two," and one should say  
4       "binder three" I believe.

5           A.    Correct.

6           Q.    Okay.  And for all involved, don't be  
7       afraid, we won't be going through all of them,  
8       but in light of the -- that we're not present in  
9       the same place we wanted to send over anything  
10      that, you know, might come up.  So -- but I  
11      will, during the course of the testimony, direct  
12      you to particular documents in there and I'll  
13      refer to them as, you know, tab X on binder one  
14      or tab Y in binder two so that we can all follow  
15      along, okay?

16           A.    Okay.

17           Q.    So if you can look at the one that's  
18      says binder one and go to tab 52.

19           A.    Okay.

20           Q.    And do you see that this is the  
21      subpoena for testimony that we issued?

22           A.    Yes.

23           Q.    And you understand that it is this  
24      subpoena under which you are testifying today?

25           A.    Yes.

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1           Q. If you can go to the next tab, 53,  
2 these are two subpoenas that we had served on  
3 you requesting documents that you have.

4           Do you recognize those subpoenas?

5           A. Okay. I recognize receiving them and  
6 given -- given to my counsel, yes.

7           Q. And what did you do to respond to this  
8 subpoena and produce documents?

9           A. I forwarded to my counsel, my -- my  
10 counsel had -- had then made arrange -- made  
11 arrangements to produce these documents.

12          Q. Okay. What did -- did you conduct any  
13 searches of your own for responsive documents?

14          A. I think once -- I think once the  
15 request for documents came to me, I gave them to  
16 my -- I gave them to my counsel. And if you  
17 want to -- if I'm saying something contrary,  
18 please -- please let me know. And I believe  
19 through an out -- through an outside vendor they  
20 arranged for documents -- the documents to be  
21 produced. I provided any and all passwords I  
22 had to produce the documents.

23          Q. And did you provide your cell phone  
24 for them to access?

25          A. I did.

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1           Q.    Okay.  And as well as personal E-mails  
2 that you use?

3           A.    I did.

4           Q.    And are you aware of any documents,  
5 other than responsive documents, that may be  
6 contained in the devices, device or E-mail  
7 accounts that you provided to your lawyers that  
8 might contain responsive documents?

9           A.    I don't believe so.  I believe  
10 chamber -- I believe chamber counsel had access  
11 to my computer at work.  I don't have a work  
12 computer -- I mean, I don't have a take-home  
13 laptop or anything like that.  But I -- I  
14 provided everything -- everything that was asked  
15 of me and everything I could think of.

16          Q.    Okay.  Can you -- you can put the  
17 binder to the side for the moment.

18                 Can you describe -- walk through for  
19 us your educational background?

20          A.    I graduated Bay Shore High School in  
21 1998.  I graduated SUNY New Paltz in 2002.

22          Q.    Okay.  And after you graduated SUNY  
23 New Paltz what did you do?

24          A.    I was a reporter for a number of  
25 years.  I worked at the Register Star in Hudson.

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1 I worked at The Berk -- Berkshire Eagle in  
2 Pittsfield, Mass. I worked for The Daily  
3 Gazette in Schenectady. And then after -- then  
4 after that I switched careers.

5 Q. And where did you go when you switched  
6 careers?

7 A. I was an aide in the state senate. I  
8 had a number of jobs -- had a number of jobs for  
9 about five years'ish there. I was a -- I worked  
10 in the -- I worked for the central press office.  
11 I was a press guy for a state senator. I was  
12 a -- I was a chief of staff for a state senator.  
13 I -- I was -- I worked for head of coms for a --  
14 for a conference. And then I took the job with  
15 the governor's office in May of 2012.

16 Q. And what positions have you held in  
17 the Governor's office?

18 A. Well, I think my first title was  
19 technically deputy Albany press secretary, and  
20 then I became deputy Albany coms director. That  
21 had to do more with the restructuring of the  
22 office than the change of responsibilities. And  
23 after the re-election in 2014 I became senior  
24 deputy communications director.

25 After the election in 2018 I was

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1 senior advisor to the -- senior advisor to the  
2 governor, which had a slightly wider realm of  
3 response -- responsibilities but less in the  
4 day-to-day. For the last month I've retained  
5 those responsibilities and I'm a coms director  
6 for the -- for the Governor.

7 Q. Tell us how you first got hired to  
8 work in the Governor's office.

9 A. They were looking to expand -- they  
10 were looking to expand their shop. Two -- I  
11 think two things happened. I -- they were --  
12 they were looking for somebody who lived in  
13 Albany who could work with the press corps in  
14 Albany. I happened -- I happened to have  
15 experience working the press corps in Albany. I  
16 came recommended from a couple -- from a couple  
17 people they talked to. And then I was also in  
18 the news in and around that time.

19 Q. And who -- was -- did you express  
20 interest in joining the Governor's office or did  
21 they reach out to you?

22 A. I interviewed with them during the  
23 transition. I interviewed with [REDACTED]  
24 who [REDACTED], great guy.  
25 He -- you know, it was good conversations. With

Page 20

1       the -- at the time they were stopped up. You  
2       know, at the time there was a hiring freeze,  
3       which is a little difficult during a transition.  
4       Then about a year and a half later when the need  
5       arose they gave me a call.

6           Q. Sorry, who gave you a call?

7           A. I think it was Rich Bamberger, the  
8       then --

9           Q. Sorry, you said "the need arose gave  
10      you a call," sorry. I thought you were saying a  
11      name.

12           Okay. So Rich Bamberger reached out  
13      to you?

14           A. I think it was him. It may have been  
15      ██████████ who was a friend of mine  
16      who worked in the chamber at inter gov first  
17      just to see if I was interested still. And then  
18      he reached out to me.

19           Q. And did you have to -- did you go  
20      through interviews?

21           A. They were pretty informal. They were  
22      pretty informal. We met for drinks a couple  
23      times.

24           Q. Okay. Did you --

25           A. They knew enough about -- they knew

Page 21

1 enough about me where they thought I would be a  
2 fit.

3 Q. Did you meet with the governor?

4 A. No, I didn't.

5 Q. Had you met the governor before?

6 A. I had not.

7 Q. So you did not meet the governor until  
8 after you were hired?

9 A. Yeah.

10 Q. Okay. And had you had interactions  
11 with the executive chamber in your prior jobs?

12 A. Some, some, you know, yeah, I  
13 worked -- I worked with them during -- during  
14 campaigns. I knew -- I knew -- I had mutual  
15 friends who worked -- who worked there that I  
16 knew. I met some -- I met some members there  
17 socially. So I was -- I was a known entity.

18 Q. Had you had any interactions with the  
19 Governor before?

20 A. I don't -- briefly a couple years  
21 before.

22 Q. What interactions had you had with  
23 him?

24 A. He was -- hello, hello, good-bye,  
25 thank you. He -- he endorsed -- he endorsed a

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1 senator I was working for at the time.

2 Q. Who was that?

3 A. That would be Craig Johnson. He  
4 served -- he served senate district in Long  
5 Island 7th district from 2000 -- geez, 2007 to  
6 2010.

7 Q. Any other interactions you had had  
8 with the Governor?

9 A. None -- none that I can think of.

10 Q. So can you walk through for us the  
11 different roles that you have had in the  
12 executive chamber, what your job  
13 responsibilities were and how it changed over  
14 time, if it changed?

15 A. I mean, in all my roles I've been the  
16 primary contact with the Albany press corps. I  
17 take inquiries. That remains -- that remains to  
18 this day, though. You know, there's not a whole  
19 lot of hours anymore.

20 When I was -- when I was senior deputy  
21 communications director, my job was to help run  
22 the mechanics of the office, make sure the --  
23 make sure the press releases get out, make sure  
24 the -- make sure -- make sure the -- the van  
25 gets -- the van -- that the truck with the

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1       camera gets to Buffalo, you know. And just  
2       take -- and just took care of the logistics.

3                     As senior advisor, you know, I  
4       helped -- I helped with some of the politics, I  
5       helped with some of the -- some of the policy.  
6       I still maintain my -- my -- my role.

7                     And then as coms director, geez, what  
8       don't I do? It's -- I run the -- I -- I keep my  
9       other role and I run the office.

10      Q.    And by "the office," what are you  
11     referring to?

12      A.    The communications office.

13      Q.    And how big is the communications  
14     office?

15      A.    I'd say about 15, 15 to 18 people, you  
16     know, the -- I don't have -- I don't have the  
17     firm count in my head.

18      Q.    And how is it -- how is the  
19     communications office organized or structured?

20      A.    Well, on one -- on one side you have  
21     deputy -- you have -- you have -- you have a  
22     coms director at the top, right. And then below  
23     him judicially is a press -- the press secretary  
24     whose responsibility is traditionally to -- to  
25     travel with the governor and also help take

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1 incoming.

2 I -- I structure my current office a  
3 little bit -- a little bit different, but I'm --  
4 I'm telling you generally how it's gone for the  
5 last 10 -- 10 or 11 years.

6 You got a press secretary. Underneath  
7 them is a bunch -- is a group of deputy press  
8 secretaries. They're generally -- they're  
9 generally younger, less -- less experienced.  
10 You take the job to get the experience. They're  
11 charged with writing press releases, doing --  
12 doing -- you know, doing transcripts of events,  
13 doing press advance at events. So that's one  
14 group.

15 And then underneath the senior deputy  
16 coms director, who -- who I said -- who remember  
17 said is charged with running the day-to-day  
18 operation of the office. I have a group of  
19 deputy communications directors. They are --  
20 they are issue specific. You know, I have one  
21 for economic development, one for energy and the  
22 environment, one for public safety, one for  
23 health, and I'm sure I'm forgetting one or two.

24 But basically -- basically they're --  
25 they're supposed to be issue experts, they're

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1 supposed to interact with the state agencies  
2 that -- that help -- that implement the policy  
3 around these issues, help -- help them when  
4 they're -- help the agencies with press  
5 inquiries. And just basically -- and just  
6 basically keep the agencies running to help the  
7 deputy -- the senior deputy coms director.

8 That in a nutshell is how it works --  
9 is how it runs.

10 Q. So how many deputy communications  
11 directors are there?

12 A. I want to say there's four to five.

13 Q. And that's separate from the press  
14 secretary?

15 A. Correct.

16 Q. Does the deputy communications  
17 directors report directly to you or do the press  
18 secretary?

19 A. They report directly to the senior  
20 deputy coms director.

21 Q. Okay. I see. Who is the -- who's the  
22 senior deputy coms director right now?

23 A. Right now it's [REDACTED].

24 Q. And that's what you were before you --  
25 about a month ago or --

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1           A. No, before a month ago I was senior  
2 advisor. I was senior deputy coms director from  
3 2015 to 20 -- 2019.

4           Q. I see. And in 2019 someone else took  
5 over that role?

6           A. Yes. Peter Ajemian.

7           Q. And who's the press secretary?

8           A. Right now?

9           Q. Yes.

10          A. [REDACTED] is the  
11 acting press secretary. She's also director of  
12 communications in the Thruway. She's been over  
13 to help us out on a temporary basis to help me  
14 while I transitioned. My team's in -- my team's  
15 in place and -- and -- and I believe she's going  
16 to start to transaction back to her -- her old  
17 role, which in itself is more than a full-time  
18 job.

19          Q. And prior to you becoming the  
20 communications director, who was the  
21 communications director?

22          A. It was Peter Ajemian who took over for  
23 Dani Lever who left in I believe October.

24          Q. Dani Lever left in October of 2020?

25          A. I may -- you know, last year has been

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1 hard, time and space is harder, but I believe --  
2 I believe that's right.

3 Q. Okay. And so Peter Ajemian had  
4 stepped into that role after she left?

5 A. Yup.

6 Q. Okay. And then when did Peter Ajemian  
7 leave?

8 A. May.

9 Q. And why did Peter Ajemian leave?

10 A. You know, he didn't state a real -- he  
11 didn't state a direct reason to me, but the last  
12 year has been very hard. A lot of us have never  
13 slept. I think the current circumstances are  
14 obviously outside the -- outside the realm of  
15 what a communication director for a -- for a  
16 politician generally deals with. You know, he  
17 didn't -- he didn't give a stated reason but I  
18 did think he needed a break.

19 Q. What do you mean by "current  
20 circumstances"?

21 A. Well, circumstances I'm talking to you  
22 about today.

23 Q. Right. I was asking if it's that or  
24 there's also a lot of other current  
25 circumstances like COVID and things like that,

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1       so --

2           A.     Oh, I'm aware. I'm aware, Counselor.  
3     Yeah. I mean, the whole -- the whole thing  
4     entirely. The last year and a half has been  
5     unprecedented, and I'm talking about everything.

6           Q.     And had you had any conversations with  
7     Peter Ajemian about the -- this investigation  
8     and the allegations of sexual harassment?

9           A.     I mean, vis-a-vis his -- vis-a-vis  
10    his -- vis-a-vis my testimony, his testimony, in  
11    general? I just want to be specific.

12          Q.     In general.

13          A.     In general about the -- about the  
14    investigation? No. We answered a lot of press  
15    inquiries together but, you know, I think he  
16    kept his own counsel on a lot of things.

17          Q.     How about the allegations that have  
18    been made?

19          A.     About whether -- about -- about the  
20    truthfulness or them or whether he believes them  
21    or anything like -- anything like that?

22          Q.     Yeah.

23          A.     No. To be honest with you, no, we  
24    didn't -- we didn't delve too specifically in  
25    there. I mean -- but you have to understand,

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1 Counselor, you know, the day -- the day-to-day  
2 on this, especially when this first started,  
3 it -- it became a lot -- it became a lot and the  
4 hours got longer. And so, you know, I don't  
5 think we had a -- had a whole lot of time for  
6 reflection.

7 Q. Do you know if anyone tried to  
8 dissuade Peter Ajemian from leaving?

9 A. I did. I did. I didn't want him to  
10 go. But look, ultimately everyone -- everyone  
11 makes their own decisions so -- and he did -- he  
12 did help me out, he stayed an extra week or two  
13 to help -- to help -- to help with the  
14 transition. And I do thank him for that, but  
15 that was purely selfish of me.

16 Q. How about Melissa DeRosa, did she try  
17 to convince him not to leave?

18 A. I don't know. I don't know. She -- I  
19 did -- I did tell her I was trying to get him to  
20 stay a little longer just to help with the  
21 transition, but, you know.

22 Q. How about the Governor?

23 A. I don't think so.

24 Q. Dani Lever, why did she leave?

25 A. She was with us a very long time and

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1       she got a -- she got a great job at Facebook she  
2       couldn't say no to.

3           Q.     Okay. So during your time in your  
4       different roles, it sounds like a big part of it  
5       was responding to press inquiries, correct?

6           A.     That's -- that's a good part of the  
7       job, yes.

8           Q.     And also issuing public statements on  
9       behalf of the chamber?

10          A.     Uh-huh.

11          Q.     Either that's a yes or a no.

12          A.     That's a yes.

13          Q.     And how did you go about responding to  
14       press inquiries and issuing public statements?  
15       What's the process that's followed or that you  
16       followed?

17          A.     I mean, depends on the circumstance,  
18       sir. Do you have anything -- you got anything  
19       more specific?

20          Q.     Yeah. So if -- we've been talking  
21       about, you know, the current circumstances and  
22       dealing with the sexual harassment allegations.  
23       When there are articles being written about it  
24       or press inquiries about it, how did you -- how  
25       did the press office go about figuring out how

1 to respond to them?

2 A. We -- again, we convene -- we  
3 convene -- we convene a group of people who --  
4 people who know what they're talk -- people who  
5 know what they're talking about, people who are  
6 mentioned in the article. You try to  
7 reconstruct what happened. You try to get  
8 other -- you try to get other recollections  
9 together and you formulate the -- you formulate  
10 the best statement that reflects the truth as we  
11 know it.

12 Q. And is that a consistent practice with  
13 other subject matters that you're responding to?

14 A. I think so. I mean, it depends on  
15 the -- depends on the weight and the severity.  
16 Are there -- are there many issues I can just  
17 take care of because I know the -- because I  
18 know the answer, absolutely. Anything that's  
19 weighty, of course -- of course you talk it out,  
20 you consult with counsel. You talk to -- you  
21 talk to people who would -- you talk to people  
22 who have knowledge, that you think would have  
23 knowledge. You do the best you can.

24 Q. Do you always do that, talk to the  
25 people who have knowledge?

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1           A. That is -- that is our practice. We  
2 try our best.

3           Q. And who are the people that the -- the  
4 group that you generally got together in  
5 connection with the responses to the sexual  
6 harassment allegations?

7           A. Well, you know, it was my -- it was --  
8 it was myself, it was -- it was Melissa, it was  
9 Peter, it was several -- several counsels who  
10 work for us. And -- and -- and occasionally, as  
11 you know, we talk to some people on the outside  
12 that gave us our -- that gave us some  
13 perspective.

14           Q. How about the Governor?

15           A. Of course.

16           Q. And --

17           A. I'm sorry. Can I -- I'm sorry. I  
18 don't mean to cut you off. I mean, obviously if  
19 something involves his conduct you have to ask  
20 him at some point.

21           Q. Yeah. And how would you communicate  
22 with the Governor in connection with these  
23 inquiries? How did you communicate with the  
24 Governor in connection with these inquiries?

25           A. Sometimes he -- he was on calls with

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1 us, sometimes -- sometimes it was one-offs,  
2 sometimes -- sometimes Melissa, as his top aide,  
3 went to him and asked for -- and -- and asked  
4 for his perspective, you know. It's -- it's a  
5 combination of everything.

6 Q. So you said Melissa DeRosa was part of  
7 that group. Was she involved in virtually all  
8 of the responses or were there responses that  
9 she was not knowledgeable about or consulted on?

10 A. I think -- listen, she's the  
11 Governor's's top aide. She's my direct  
12 supervisor. I -- I keep her on the loop on  
13 everything. She also used to be coms -- she  
14 also used to be communications director. This  
15 is -- this is her world and her -- and her  
16 advice I deeply value.

17 Q. So is the -- is the answer yes, she's  
18 generally involved in all of the communications?

19 A. The answer -- the answer is yes with  
20 more -- with more context than you probably  
21 wanted.

22 Q. Understood. And how about the  
23 Governor?

24 A. I would say -- I would say something  
25 involving -- involving allegations against his

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1 personal conduct, I don't think anything went  
2 out the door without his -- without his  
3 knowledge. On other issues there -- there are  
4 some stuff I don't bring to him because I can  
5 just handle it.

6 Q. Right. But on these --

7 A. That's -- on something important about  
8 him.

9 Q. -- on issues of sexual harassment  
10 allegations against him.

11 A. I would think -- I would think nothing  
12 went out without -- without his okay, and I  
13 think anybody who thought it wouldn't would find  
14 that odd.

15 Q. Because he'd read it anyway, right?

16 A. It's about -- it's about him, you  
17 know. If somebody said something about one of  
18 my staff members, I wouldn't put anything out  
19 without talking to them too, you know. I mean,  
20 it's common sense. I understand why you're  
21 asking the questions, but it's -- it's -- you  
22 know, that's the -- that's what it is.

23 Q. Yeah. And then so Melissa DeRosa,  
24 Peter Ajemian. Stephanie Benton, was she part  
25 of the group that would be consulted?

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1           A. At some times -- at some points, yeah,  
2 because she's the Governor's gatekeeper. And on  
3 these -- on these issues -- on these issues like  
4 she's allegedly outside for some of them, you  
5 know, or close -- or close by. Of course you'd  
6 talk to her.

7           Q. Sorry, you said she's allegedly  
8 outside some of them?

9           A. She's -- you know, there was some  
10 allegations where like she was like, oh, she was  
11 just outside the door or, oh, she was there and  
12 just left, so yeah --

13          Q. Right. I --

14          A. -- that's -- yeah.

15          Q. Okay. But other than when she's a  
16 potential fact witness, was she part of the  
17 group that you would consult or did consult on  
18 how to respond to press inquiries and sexual  
19 harassment allegations?

20          A. I mean, if she was on -- I mean, she  
21 may have been on the E-mails because we were  
22 on -- you know, because this is an ongoing  
23 conversation. But her role in this was, if  
24 she -- if -- if somebody materially tried to  
25 bring her into this, like what -- what is this,

1 what happened, you know.

2 Q. Okay. And you said there were  
3 several -- several counsel who worked -- counsel  
4 who worked for us. Who -- that you consulted.  
5 Who were those?

6 A. Judy -- Judy Mogul, Beth Garvey, Linda  
7 Lacewell, occasionally -- occasionally Steve  
8 Cohen.

9 Q. And why were they consulted?

10 A. There's very little -- very little I  
11 do without consulting -- without consulting  
12 counsels. I believe, you know, Judy -- Judy is  
13 our head ethics person. Beth was -- Beth is our  
14 counsel -- Beth is our counsel. Linda and Steve  
15 are longtime members of the administration  
16 whose -- whose expertise and -- and legal acumen  
17 we respect deeply.

18 Q. So you described both of them as  
19 longtime members of the administration. Is  
20 Steve Cohen a member of the administration?

21 A. Currently, yes.

22 Q. Was he at all times you were  
23 consulting with him?

24 A. During this time period I think he was  
25 actually. He was -- he was in -- he works for

1       ESD.

2           Q.     And so when you say -- you just --  
3     broadly, they work -- have some role in state  
4     government?

5           A.     Yes.

6           Q.     They're not members of the executive  
7     chamber?

8           A.     No.   But again, you know, as we -- as  
9     we relied on some people outside for advice,  
10    these were counsels who know us, know -- know  
11    the circumstances, know the shorthand.   So of  
12    course -- of course we brought them in to ask  
13    them for -- ask them for their advice and  
14    expertise in consultation with our actual --  
15    with our -- with our counsels in the chamber.

16          Q.     Okay.   And you said you also consulted  
17    with other people outside.   Who were those?

18          A.     Jeff Pollock, Liz -- Liz Smith, Josh  
19    Vlasto.   I think at some point Rich Bamberger  
20    was in there, but -- and then at some point Josh  
21    fell out.   And yeah, I did bring -- we bring  
22    Dani in the loop for a little bit too at some  
23    point.

24          Q.     Dani Lever?

25          A.     Yes.

1 Q. And who is Jeff Pollock?

2 A. Jeff Pollock is the Governor -- is --  
3 is our -- our pollster and -- and campaign  
4 consultant. He's been with us for years.

5 Q. And was he ever a member of the  
6 executive chamber?

7 A. There's no amount of money you could  
8 pay him to do that.

9 Q. Okay.

10 A. No, no.

11 Q. How about Liz Smith?

12 A. No, she was an outside consultant.

13 Q. And when you say "outside consultant,"  
14 what do you mean by that?

15 A. She previously worked for us -- she  
16 previously worked for us in -- on the campaign  
17 in 2018.

18 Q. I see.

19 A. So again, she knows -- she knows us,  
20 she knows the world, and she's one of those -- I  
21 mean, I don't think anybody could say she's not  
22 one of the smartest political minds out there.

23 Q. Is -- is Jeff Pollock on sort of -- is  
24 there any formal arrangement between the  
25 executive chamber and him for the advice he's

1 providing?

2 A. I don't believe there is.

3 Q. How about Liz Smith?

4 A. No.

5 Q. How about Josh Vlasto?

6 A. No.

7 Q. How about Dani Lever?

8 A. No. She had a day job.

9 Q. Yeah. Was there ever any discussion  
10 about sharing information with people who are  
11 not part of the executive chamber and not  
12 retained in any formal capacity, the proprietary  
13 of that?

14 A. I think we felt these are people who  
15 have been with us for a long time who we could  
16 trust. I mean, this -- this entire -- this --  
17 you know, my entire world is based on trust.

18 Q. But other than that trust, was there  
19 any discussion among anyone about that?

20 A. Not that I am aware of.

21 Q. And so what -- and were they  
22 consulted, Jeff Pollock, Liz Smith, Josh Vlasto  
23 and Dani Lever on -- on various subjects or --  
24 you know, we've been talking about the responses  
25 to the sexual harassment allegations, but were

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1       they consulted on other subject matters as well?

2           A.     I talked -- previous to all this I  
3       talked to Dani every -- almost every day after  
4       she left about her take on various -- on various  
5       things.  And I -- and we pick Josh's brain too  
6       and -- and Pollock -- and Pollock too.

7               Like, you know, we -- these are  
8       people -- I spend most of my day, Counselor,  
9       talking -- on the phone talking to people, what  
10      do you think, what's going on, what's going on  
11      out there, did you see this thing we did, how do  
12      you think it's playing.  I mean, you know, this  
13      is -- that's -- that -- and that's how we do  
14      most of -- that -- that's how I do most of my  
15      day.

16               And when something like this happens,  
17      I think it's natural -- it was natural to us  
18      that we turn to these people.

19           Q.     But the -- the question was, you  
20      turned -- have you turned to those people  
21      regularly on -- in other subject matters as  
22      well?

23           A.     Oh, I mean, I think my -- I'm sorry, I  
24      think the shorter version of my answer was yeah,  
25      I do it all the -- I do it all the time.  I

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1       value -- individually I value all their opinions  
2       and I -- and I solicit it. Sometime -- and most  
3       of the time it's very informal.

4           Q. Okay. You said, on the sexual  
5       harassment issues, that Josh Vlasto was  
6       consulted for a time being -- for a time. Did  
7       there come a time when he was no longer as  
8       actively consulted?

9           A. Yeah, toward -- towards the -- towards  
10      the end. You'd have to ask -- you'd have to ask  
11      him why he dropped off. My suspicion is he got  
12      the document -- he had a similar document  
13      request that -- that everybody else did and, you  
14      know, and he probably -- and he probably -- he  
15      probably thought he did what he thought was best  
16      for -- probably thought was best. I actually  
17      don't know the answer, though. That's me  
18      supposing.

19           Q. You haven't spoken -- you haven't  
20      spoken to him about it?

21           A. No, I have not.

22           Q. Have you spoken to anyone else about  
23      why Josh Vlasto was playing less of a active  
24      role?

25           A. No, I have not.

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1           Q. Are you aware of whether he was asked  
2 specifically to -- to play more of an active  
3 role in responding to these allegations of  
4 sexual harassment?

5           A. Was he asked to?

6           Q. Yes.

7           A. Like -- like in -- in -- when these --  
8 when this happened in March?

9           Q. Yeah.

10          A. I think, you know, we called and asked  
11 him to hop on a -- hop on the phone, but like as  
12 far as any other conversations, I don't know.

13          Q. You don't know of anyone asking him to  
14 be -- to play a bigger role or play a more  
15 leadership role in coordinating the response?

16          A. I don't -- that's news to me.

17          Q. Who else was in the outside -- the  
18 group outside with whom you and others consulted  
19 on issues of sexual -- responding to the sexual  
20 harassment allegations?

21          A. Well, it's -- it's not a state secret,  
22 Counselor, Chris was among them, Chris Cuomo.

23          Q. And how did it come about that he was  
24 consulted?

25          A. He had -- all I know he got added to

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1 the call one day. I don't know -- I don't know  
2 who added him but, you know --

3 Q. You don't know who added him?

4 A. I don't know who added him.

5 Q. And how often was he on calls?

6 A. Not as -- not as often as everybody  
7 else. I mean, he also -- you know, he's also  
8 got a day job too. I think -- say -- say we --  
9 say we did 25 calls, I'm just making up a  
10 number, throughout the cost -- course of all  
11 this, he was on less than a half dozen.

12 Q. And fair to say there were a large  
13 number of calls on -- dealing with the response  
14 to sexual harassment allegations?

15 A. There was -- there was a large number  
16 of press inquiries, sir, yes.

17 Q. So you -- you threw out 25. What do  
18 you think is an -- an approximate number of  
19 calls?

20 A. I'll stick -- I'll stick -- I'll stick  
21 to that, even though I -- I fully acknowledge --  
22 I fully acknowledge I may -- I may be  
23 undercounting or vastly overcounting.

24 Q. And how frequently was the Governor on  
25 the calls?

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1           A. Not -- not -- there -- a lot of the  
2 calls were in preparation -- I mean, we did a  
3 lot more calls with the group. The Governor was  
4 on some of them. The Governor was on some of  
5 them and Chris was on some of them, but for the  
6 most part it was -- most part it was us.

7           Q. And on any of the calls that the  
8 Governor was on, did he specifically address any  
9 of the allegations?

10          A. I mean, a lot of the time he -- a lot  
11 of the time he listened. He's been -- he's  
12 been -- he's been militant that he did nothing  
13 wrong and he certainly never touched anybody.  
14 What he said -- what he said -- what he said  
15 privately matches what he said -- what he said  
16 publicly.

17          Q. Has he -- did he at any point address  
18 any of the allegations, specifically made by  
19 Charlotte Bennett?

20          A. I had one -- he had one -- I had one  
21 conversation in the presence of counsel.

22          Q. And who -- who was -- who that who,  
23 was the counsel?

24          A. That would be Judy -- Judy Mogul and  
25 Linda Lacewell.

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1 Q. And when was that?

2 A. Shortly after their -- shortly after  
3 the Time story came out before he went out --  
4 before he went out there and addressed them  
5 publicly.

6 MR. J KIM: And is that something that  
7 the substance of which you are asserting  
8 privilege over, Ed -- Ed, I guess is --

9 MR. E KIM: Yeah, I think -- that's  
10 for the chamber to decide, but for now I  
11 think he can't -- he will not be able to  
12 discuss that.

13 Q. And was that conversation in person or  
14 on the phone?

15 A. It was in person.

16 Q. And who else was there?

17 A. Melissa, Liz, Jeff, Peter. I may be  
18 forgetting somebody but like I don't think so.

19 Q. And where was it?

20 A. It was -- it was -- it was on the  
21 grounds of the mansion.

22 Q. And was it one meeting or was it a --  
23 a period of time that you all were together at  
24 the mansion?

25 A. One, one meeting.

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1 Q. And what time of day was it?

2 A. It was late afternoon.

3 Q. And in terms of timing it was, you  
4 were saying, shortly after the New York Times  
5 article of Charlotte Bennett?

6 A. Yup.

7 Q. And did you -- how long did you stay  
8 at the mansion when you went that time?

9 A. It was a couple hours.

10 Q. Were others there overnight?

11 A. I don't think so.

12 Q. Okay. Was it over a meal, dinner?

13 A. I think -- I can't remember if there  
14 was -- I mean, I'm sure there was something to  
15 snack on. I can't remember if it was a formal  
16 meal.

17 Q. But you didn't stay overnight?

18 A. I live three blocks away.

19 Q. Did you participate in a breakfast  
20 meeting?

21 A. Yes.

22 Q. Was -- was the meeting we're talking  
23 about the breakfast meeting or were you there  
24 for a meeting the -- the day before and the  
25 breakfast meeting?

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1           A. It was a meeting there the day before  
2 and a breakfast meeting.

3           Q. By the way, how many times have you  
4 been to the mansion?

5           A. A lot. I've been here nine years.  
6 Almost incalculable.

7           Q. Okay. And both for events and -- and  
8 for meetings?

9           A. For events and for meetings and for --  
10 and, you know, meeting for travel.

11          Q. Okay. Any other -- in any of your  
12 conversations with -- that included the Governor  
13 did he address Lindsey Boylan's allegations?

14          A. I don't know if he did directly with  
15 me there, to be completely honest with you. I  
16 have -- I have no memory of that.

17          Q. How about any of the other  
18 allegations?

19          A. No, I mean occasionally I get a  
20 blanket, this is all crazy. But like aside from  
21 what we discussed I don't think I've discussed  
22 anything specifically with him.

23          Q. When you say I get a blanket, this is  
24 all crazy, meaning go out publicly and say none  
25 of this is true, basically?

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1           A. I think it was his internally being  
2 like, what -- what happened here, this -- I  
3 don't -- I don't understand how any -- how -- I  
4 don't understand any of this. More -- more of  
5 like a frustration sort of thing. You know what  
6 I'm saying?

7           Q. From him?

8           A. This wasn't -- yeah. He's not giving  
9 me direction to go out there and say this is all  
10 crazy.

11          Q. Okay. So what is the process under  
12 which how you decide whose name the statement is  
13 going to go out under?

14          A. Depends. Sometimes it's -- sometimes  
15 it's -- sometimes it's a matter of triage,  
16 sometimes it's to be consistent with statements  
17 we've said -- sometimes we said it was  
18 consistent with statements that we've said  
19 before. You know. I mean, it's -- it's not --  
20 it's not a firm -- it's not a firm standard but  
21 happy to answer whatever follow-ups you have.

22          Q. So there's no -- there's no practice?  
23 I mean, because we -- obviously, and we'll go  
24 through some of the context, but sometimes it  
25 will be Beth Garvey, sometimes it will be you,

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1 sometimes it will be someone else in the press  
2 office, sometimes it will be in the Governor --  
3 from the Governor.

4 A. I see. In the case -- in the case  
5 of -- in the case of Beth Garvey or before her  
6 Alphonso David or before her [REDACTED], if  
7 there's a statement that has more -- that  
8 addresses legal issues or has more -- has more  
9 legal weight behind it. And -- and by the way,  
10 a statement that, you know, the -- the lawyers  
11 themselves mostly crafted, aside -- aside  
12 from -- aside from some -- you know, aside from  
13 some grammar and typos and tightening, that goes  
14 out from them.

15 Every -- every -- every other thing  
16 else it's like sometimes a message is better  
17 coming from the Governor, sometimes a message is  
18 better coming from the press shop, you know, I  
19 think it's better if we -- if you want to talk  
20 about specifics I -- you may gain more pertinent  
21 information that come that way.

22 Q. And but does it -- and whoever it goes  
23 out under is there a process by which the --  
24 it's checked, the facts are checked to make sure  
25 it's correct and accurate and truthful?

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1           A. Yes.

2           Q. And what is that process?

3           A. Again, we talked -- we -- we try -- we  
4       try to find the facts, we -- if there's a  
5       document attached we try to find the documents.  
6       If there's circumstances of something happening,  
7       we go to the people who are policy -- if it's a  
8       policy problem, go to the people who are policy  
9       experts. If it's regarding a specific --  
10      regarding a specific situation involving people  
11      you try to go to those people.

12           Q. So with respect to the sexual  
13       harassment litigations made against the Governor  
14       and many of them are allegations about things  
15       that happened where the people were alone with  
16       the Governor, were -- were statements issued  
17       responding to those verified with the Governor  
18       before they were issued?

19           A. Again -- again -- again, Counselor, at  
20       large if it's about -- if it's about the  
21       Governor and about -- and allegations about the  
22       Governor's actions it is cleared by him.

23           Q. Generally speaking, what's the process  
24       by which the press and press clippings are  
25       conveyed to the Governor on a regular basis? Is

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1 there a practice and what is it?

2 A. Occasionally they're -- you know,  
3 they're sent to him via -- via BlackBerry.  
4 Sometimes they're printed -- sometimes they're  
5 printed out for him, but I'd had say 99 percent  
6 of the time they're pinned -- they're pinned to  
7 him.

8 Q. They're in pins?

9 A. Yes.

10 Q. And how do you -- how do you go about  
11 collecting and sending press bookings in pins?

12 A. If it's a -- a press clipping to his  
13 pin?

14 Q. Yeah.

15 A. Okay. Story gets -- story gets  
16 circulated to our -- to our general -- to our  
17 general press lists and then, you know,  
18 sometimes it's me, sometimes it's other senior  
19 staff, but most of the time it's one of the  
20 press secs who are on a rotating -- press  
21 secretary, sorry, who are on a rotating basis,  
22 you know, several times a day pin him story --  
23 pin him the stories that go.

24 Q. And so -- because the pin is the -- is  
25 the BlackBerry messaging service, right?

1           A. I think the BlackBerry messaging  
2 service is a little bit of a different animal.  
3 I -- I -- I never used it, but the pin is -- the  
4 pin is a -- the pin is a --

5           Q. Point to point?

6           A. Yeah.

7           Q. And so you -- the people who send this  
8 are -- have to cut and paste the substance of an  
9 article to pin it?

10          A. Uh-huh.

11          Q. And what's the frequency with which  
12 press clippings were pinned to the Governor?

13          A. I think he gets them in the morning  
14 and then several times during the day it gets  
15 sent to him. If it's some -- if it's something  
16 of importance, you know, we'll do -- we'll do  
17 it -- we'll do it when it hits.

18          Q. And is it basically anything that  
19 references him or the work that he's doing or  
20 the --

21          A. Him, the work that he's doing,  
22 Washington, anything relevant to our work. I  
23 mean, and, you know, over the last year that got  
24 wider. Over the Trump administration, when he  
25 was banging against New York every day and it

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1       got much wider, you know, I mean, it's a -- it's  
2       an expansive list.

3           Q.     And certainly any press articles about  
4       the sexual harassment allegations made against  
5       the governor were being provided to him?

6           A.     I think so.

7           Q.     What's the reason for the pins, if you  
8       know?

9           A.     I'm sorry, what?

10          Q.     What's the reason that this was sent  
11       via pin to the Governor?

12          A.     He -- he does not have an E-mail.

13          Q.     How about links to the articles or ...

14          A.     Pins don't work like that.

15          Q.     Okay. Why -- yeah, and why doesn't he  
16       use an E-mail or have an E-mail?

17          A.     I don't know. I don't know. You're  
18       going to have to ask him. I mean, I've read  
19       stories about it before I came on board. You  
20       know, Chuck Schumer -- Chuck Schumer doesn't use  
21       E-mail. My █ who's roughly his -- the same  
22       age as the Governor doesn't use E-mail. I think  
23       it's preference but you'd have to ask him.

24          Q.     And there's no discussions about it?

25          A.     No.

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1           Q.    Because there have been, as you've  
2 pointed out, reporting about, you know, people,  
3 who have -- have views about the reasons being  
4 to not have any record or foilable records.  
5 There's no discussions that you were party to of  
6 that nature?

7           A.    Was not. I read those stories too.

8           Q.    Any inquiries that you had to deal  
9 with from reporters or otherwise asking about  
10 that issue?

11          A.    Over the years I'm sure I have -- I'm  
12 sure I have and -- yeah, I don't -- I don't  
13 recall specifically.

14          Q.    What did you say in response?

15          A.    I don't recall specifically, but I'm  
16 sure -- sure there -- there's a relevant press  
17 clipping any -- anywhere in these binders. If  
18 you want to point me to it I could talk -- I  
19 could talk to you about it.

20          Q.    Okay. While you were with the  
21 executive chamber, have you received any  
22 training on policies and procedures relating to  
23 sexual harassment?

24          A.    I have.

25          Q.    How often?

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1           A. Once -- generally once a year.

2           Q. And how did you -- what form did that  
3 training take?

4           A. It's a -- it's a print -- it's a  
5 printed out PowerPoint that you have to -- that  
6 you have to review. If you have any further --  
7 if you have any further questions you contact  
8 your HR representative. You test it, you -- you  
9 know, you -- you know, they stress to you  
10 don't -- don't just -- don't just flip through  
11 and keep it and be cavalier about it, actually  
12 look at it, actually read it.

13           That is my -- that is my practice.  
14 Tends to pile up towards the end of the year but  
15 I do -- I do read through everything and then  
16 sign my attestation form.

17           Q. And how do you and how did you  
18 physically go about signing that attestation  
19 form? Do you -- did you do it physically or by  
20 clicking on the computer?

21           A. I believe I did it physically, and  
22 then I handed it to my assistant. I don't know  
23 what happens after that.

24           Q. And you've done that every year?

25           A. I believe I have, I think last year

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1       there was an exemption because of COVID, on the  
2       training. I'd have to check with my HR people  
3       but like, you know, I -- I fill out -- every  
4       time they tell me to fill something out I  
5       make -- make time for it.

6           Q. And the sexual harassment training,  
7       did you always actually take it yourself?

8           A. What's the alternative, I'm sorry,  
9       Counselor?

10          Q. Well, to -- if you can answer the  
11       question.

12          A. I'm sorry. I'm sorry. That's against  
13       the form.

14           I believe so, yes.

15          Q. Yeah. You -- you are aware that one  
16       of the allegations that Charlotte Bennett made  
17       in one of -- in a number of the articles is that  
18       she had heard -- overheard Stephanie Benton  
19       saying that she took -- she reviewed the sexual  
20       harassment training for the Governor and that he  
21       signed it after that.

22           Do you remember that allegation?

23          A. I did -- I did hear that allegation.  
24       I was subsequently told by Stephanie Benton that  
25       was not true.

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1           Q. I'm sorry. I -- my computer made a  
2 noise, I didn't catch that answer.

3           A. At the good part? Sorry. I have read  
4 that but -- I have read that. I have  
5 subsequently heard from Stephanie Benton that  
6 that was absolutely not true.

7           Q. That's not true she said?

8           A. Yup.

9           Q. Did you ask the Governor?

10          A. I hadn't -- I had not.

11          Q. What did Stephanie Benton say  
12 specifically, other than it's not true?

13          A. He signed it. He took it, he signed  
14 it.

15          Q. Every year?

16          A. I asked her about 2019, which is  
17 what -- which is what Charlotte -- which is what  
18 Charlotte Bennett said. I think the implication  
19 is yes. Did I ask that specific question, no,  
20 but that's -- that's not what we were talking  
21 about.

22          Q. Okay. Can you go to the binder, again  
23 the binder number one, and go to tab 54.

24          A. This is the manual?

25          Q. Yes. Do you recognize it?

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1           A. Yes, I have a -- I have a copy of it  
2 at my desk.

3           Q. Okay. Do you have a physical copy of  
4 it on your desk?

5           A. In my desk, yeah.

6           Q. Okay. Does everyone or just -- to  
7 your knowledge, or --

8           A. Everyone gets it. I don't know what  
9 they do with it.

10          Q. Yeah.

11          A. Mine's in my top right-hand drawer.

12          Q. And it's the handbook for employees so  
13 everyone gets a hard copy as well as accessible;  
14 is that correct?

15          A. Yes, that is -- that is what I --  
16 well, I do, and I assume everybody else does. I  
17 don't think I'm special here.

18          Q. Okay. Can you turn to page 16 of  
19 this.

20          A. Okay.

21          Q. And towards the bottom it says,  
22 "Sexual harassment includes unwelcome conduct,  
23 which is -- which is either of a sexual nature  
24 or which is directed at an individual because of  
25 that individual's sex when such conduct is the

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1 purpose or effect of unreasonably interfering  
2 with an individual's work performance or  
3 creating an intimidating, hostile or offensive  
4 work environment. Even if the -- if the  
5 reporting individual is not the intended target  
6 of the sexual harassment, such conduct is made  
7 either explicitly or implicitly, a term or  
8 condition of employment or submission to or  
9 rejection of such conduct is used as the basis  
10 for employment decisions affecting individual's  
11 employment."

12 Is that statement consistent with your  
13 understanding of the sexual harassment policy  
14 that applied in the executive chamber?

15 A. I believe so. I believe so.

16 Q. How about the next paragraph? It  
17 says, "Hostile environment, sexual harassment  
18 includes, but is not limited to, words, signs,  
19 jokes, pranks, intimidation or physical violence  
20 which are of a sexual nature or which are  
21 directed at an individual -- at an individual  
22 because of that individual's sex."

23 Is that consistent with your  
24 understanding of the policy?

25 A. Sure.

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1           Q.     "Sexual harassment also consists of  
2     any unwanted verbal or physical advances,  
3     sexually explicit derogatory statements or  
4     sexually discriminatory remarks made by someone  
5     which are offensive or objectionable to the  
6     recipient which cause the recipient discomfort  
7     or humiliation or which interfere with the  
8     recipient's job performance."

9                   Is that consistent with your  
10    understanding?

11          A.    That's how I read it, yes.

12          Q.    If you go to the fifth full paragraph,  
13     on the last sentence it says, "Furthermore, any  
14     supervisory or managerial employee who observes  
15     or otherwise becomes aware of conduct of a  
16     sexually harassing nature must report such  
17     conduct so that it can be investigated."

18                   Is that consistent with your  
19    understanding as well?

20          A.    Sure.

21          Q.    During your time at the executive  
22     chamber, have you observed or been made aware of  
23     any conduct that could constitute sexual  
24     harassment under these definitions?

25          A.    No, I have not been. Though if --

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1       though if confronted with it I would go through  
2       the process outlined in this book to report it.

3           Q.     Sorry. I -- maybe it's just me, I'm  
4       not hearing it fully.

5           A.     Sorry. I'm -- I'm talking to you. I  
6       should really be closer to here, where the phone  
7       is.

8           Q.     Maybe can you move the phone over a  
9       little bit or --

10          A.     Yeah, it's -- it's -- is it better?

11          Q.     -- it's as close as it can be?

12           MR. E KIM: Yeah. Maybe, Rich, if you  
13       want to shift over a little bit.

14           MR. J KIM: Yeah. It is louder when  
15       he's looking -- like when he's closer to  
16       the phone.

17           THE WITNESS: Okay. Better?

18           MR. J KIM: Yeah. Thank you.

19           THE WITNESS: Okay. I said I -- I  
20       said I -- uh-oh. Okay.

21       BY MR. J KIM:

22          Q.     The question was, during your time --

23          A.     I know. Sorry, you're blinking on and  
24       off.

25           MR. E KIM: Sorry.

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1                   THE WITNESS: Okay. We're back.

2                   Q. The question was, during your time at  
3 the executive chamber have you observed or been  
4 made aware of any conduct that could constitute  
5 sexual harassment under the definitions provided  
6 here?

7                   A. I don't believe I have.

8                   Q. Has anyone reported to you -- or  
9 reported's perhaps too formal a word.

10                  Has anyone said to you or told you of  
11 any conduct that the -- could constitute sexual  
12 harassment?

13                  A. You know what, something that just  
14 occurred to me. Unrelated to all this, yes, I  
15 did get -- I did get a report and I refer -- and  
16 I referred it. A junior -- a junior staffer of  
17 mine talked about conduct involving a coworker,  
18 outside premises, where he got -- where he got  
19 inappropriate at a bar. He came to me, told me  
20 about it. I sent him to Lauren Grasso, our HR  
21 representative, to lodge a complaint if she  
22 wanted to talk it through. Like I don't know  
23 what happened because of it, but like you -- you  
24 asked a very large blanket question.

25                  That was probably -- probably a little

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1       bit outside of what you're look -- what you're  
2       looking for, but that is the answer. I've  
3       gotten one complaint that -- I made aware of,  
4       outside the premises, that I did refer that to  
5       HR.

6           Q.     And who was that who made the  
7       complaint?

8           A.     [REDACTED].

9           Q.     And --

10          A.     And I believe -- I believe she  
11       witnessed -- witnessed something involving a  
12       friend.

13          Q.     And what did she say she witnessed?

14          A.     I think she said the guy got too  
15       handsy with her friend at the bar. They were  
16       both -- they both worked here. The guy crossed  
17       the line, to her, and I said, okay, you know,  
18       talk to Lauren Grasso, you know. And I arranged  
19       for her to go over there immediately.

20          Q.     And who was --

21          A.     I want to say this was -- the guy? I  
22       couldn't tell you. I couldn't tell you. She  
23       went over -- I want to say it was late 2019,  
24       earlier 2020.

25          Q.     And who was the -- did she say this

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1 guy had -- was handsy with herself or she  
2 observed the guy handsy with somebody else?

3 A. Observed handy [sic] with a coworker  
4 that they both knew.

5 Q. And who was that?

6 A. I don't know.

7 Q. And what did Lauren Grasso do about  
8 that, to your knowledge?

9 A. I don't think it was up to -- I don't  
10 know. I -- you know, I know █ talked to her.  
11 I never -- I never followed up with █ how it  
12 went. I never followed up with Lauren Grasso.  
13 At that point I didn't think it was appropriate  
14 for me to follow up with her because I was sort  
15 of the middleman here, you know.

16 Q. Do you know if she or anyone reported  
17 it to GOER, G-O-E-R?

18 A. I think -- I think that's the --  
19 that's the customary, that's what's supposed to  
20 do, that's what you're supposed to do. I don't  
21 know in this particular case. Again, this was  
22 an employee of mine made a complaint to me as  
23 her superior, but it involved two other  
24 employees who are not in the press office who  
25 are in other parts of -- other parts of the

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1       chamber off premises.

2                   I -- I didn't think it was appropriate  
3       for me to follow up on that, other than to  
4       advise her to, you know, go -- go to our human  
5       resources department.

6       Q. Any other incidents that could  
7       constitute sexual harassment that you remember  
8       becoming aware of or seeing?

9       A. I really don't.

10      Q. Can you turn to page 40 of this?

11       MR. E KIM: Page 40 at tab 16, Joon,  
12       or tab 40?

13       MR. J KIM: Yeah, sorry. Page 40 of  
14       the same tab 54.

15       MR. E KIM: Oh, of the same tab.

16       MR. J KIM: Yeah, sorry. Tab 54,  
17       page 40.

18       A. Okay.

19       Q. And the bottom part talks about  
20       adverse employment action -- or this whole part  
21       talks about retaliation. But I'll direct your  
22       attention to adverse employment action.

23       "Retaliation occurs when an adverse action or  
24       actions is taken against the employee by the  
25       employer. The action need not be job related or

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1 occur in the workplace. Unlawful retaliation  
2 can be any action more than trivial that would  
3 have the effect of dissuading a reasonable  
4 worker from making or supporting a charge of  
5 discrimination."

6 Is that consistent with your  
7 understanding of the sexual harassment policy?

8 A. This is how I read it.

9 Q. And the question was: Is that  
10 consistent with the understanding that you had  
11 about what was required in connection with  
12 retaliation?

13 A. It's what's consistent with what I've  
14 read, yes.

15 Q. And then the next page, 41, at the top  
16 says, "Actionable retaliation by an employer can  
17 occur after the individual is no longer employed  
18 by that employer. This can include giving an  
19 unwarranted negative reference for a former  
20 employee."

21 Do you see that?

22 A. I do.

23 Q. Was that also -- is that also  
24 consistent with your understanding of the state  
25 policies?

1           A. This is how I read it.

2           Q. Was it consistent with your  
3 understanding, while you were in the executive  
4 chamber, about the law relating to retaliation?

5           A. This is how I understand it.

6           MR. J KIM: We've actually been going  
7 about an hour and the audio -- the video  
8 needs to be changed. Should we just take  
9 like a 5-, 10-minute break for -- I  
10 actually have to use --

11           THE WITNESS: Sure.

12           MR. J KIM: -- a comfort break, but,  
13 you know, also -- also matches I think the  
14 time that we need to switch the videos.

15           THE WITNESS: Okay. Sure thing.

16           MR. J KIM: Can we come back at like  
17 10:15 or 10:20 to give us --

18           THE WITNESS: Sure.

19           MR. J KIM: Thank you.

20           THE VIDEOGRAPHER: Stand by to go off  
21 the record. The time is 10:12 a.m. We are  
22 going off the record. This will end media  
23 unit number one.

24           (Short recess taken.)

25           THE VIDEOGRAPHER: The time is

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1           10:21 a.m. we are back on the record and  
2           this will be the start of media unit number  
3           two. Counsel.

4           MR. J KIM: Thanks.

5           Q. When was the first time that you  
6           became aware of any allegations of sexual  
7           harassment being made against the Governor?

8           A. When Lindsey Boylan tweeted her --  
9           tweeted her tweet.

10          Q. And is that about December of 2020?

11          A. Sure.

12          Q. And how did you learn about it?

13          A. Got a call saying, hey, did you see  
14          that tweet? And then my in-box started to  
15          flood.

16          Q. Who called you to say, see that tweet?

17          A. Probably Melissa, but it was -- it was  
18          tough competition between her and Jimmy Vielkind  
19          from the Wall Street Journal.

20          Q. And prior to that, Lindsey Boylan's  
21          tweet, had you heard anything about sexual  
22          harassment allegations against the Governor?

23          A. I have not.

24          Q. And so what happened next? You --  
25          you -- you got a call from Melissa DeRosa, you

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1 see that, and then Jimmy Vielkind from the Wall  
2 Street Journal?

3 A. Yup. I -- I went to the -- went to  
4 the office, met Melissa, met counsel. Then we  
5 started discussions about how to respond, but  
6 also we had to wait and see what else she was  
7 going to -- what else she was going to say,  
8 because we had nothing to respond to.

9 Q. And what did you discuss with Melissa  
10 DeRosa?

11 A. Well, she came in and shortly after  
12 counsel came in. Then we had discussions  
13 amongst ourselves.

14 MR. J KIM: And are those -- is the  
15 substance of those discussions also  
16 something you're asserting privilege over?

17 MR. E KIM: That's right, Joon.

18 MR. J KIM: Okay.

19 Q. At that time, when you're dealing with  
20 it that day, did you have any discussions with  
21 the Governor yourself?

22 A. I don't believe I had. I don't  
23 believe I did.

24 Q. And so you -- you went in the  
25 office -- which counsel was it that was there?

1           A. Linda Lacewell walked in. Beth Garvey  
2 came in -- came in soon. Judy came in around  
3 the same time, Judy Mogul. I can't remember if  
4 she was there in person or over the phone but  
5 she was substantial part of -- of these  
6 conversations.

7           Q. And at that point in time what did you  
8 know about Lindsey Boylan?

9           A. I knew -- I knew she -- what did I  
10 know about her? I didn't know her very well  
11 when she worked here, but I knew -- I knew she  
12 left in 2018 under a cloud. I didn't know the  
13 exact circumstances but I know she had  
14 confronted about a complaint and she left.

15           I also know she's one of only two  
16 people who -- who after -- who after they left  
17 we changed all the senior staff codes in our --  
18 on our phones.

19           Q. Sorry. You're speaking a little fast,  
20 I didn't catch that.

21           A. I also know she's one of only two  
22 people, two ex-senior staff employees, who after  
23 they left we changed all the conference codes on  
24 our -- all the conference call codes on our call  
25 because there was -- there was a lack of trust

1       in that.

2                   And then I know -- then I know that  
3       she -- that she was very supportive of us  
4       publicly after she left, until she decided to  
5       run for Congress. Then she start -- then she  
6       started being very critical of the  
7       administration. She lashed out at members -- at  
8       coworkers -- at coworkers of mine who disagreed  
9       with her online. She threatened some of my  
10      coworkers as well privately because the Governor  
11      made an action that -- made an action to fight  
12      COVID that she thought adversely affected her  
13      political campaign. She threatened retribution.

14                  And then -- and then prior to her  
15      making her -- prior to her making her claim,  
16      she -- she started talking about a hostile  
17      workplace here and made demonstrably false  
18      characterizations about how she left.

19                  And then we decided not to respond to  
20      that story. And then she -- and then she ended  
21      up publicly saying -- publicly saying other  
22      accusations about -- about the administration  
23      that I believe to -- I believe to be false.

24                  She said stuff about me, publicly,  
25      that I believe to be false. And then she

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1       escalated, escalated, escalated. And then --  
2       and then she made her claim about ten minutes  
3       after claiming that the Governor lied about  
4       owning an eagle feather.

5           Q. About owning what?

6           A. An eagle feather. Apparently --  
7       apparent -- he said -- he said that in a speech  
8       in a context of an outdoor trip with his  
9       daughters and how they left with an eagle  
10      feather. Apparently -- apparently it's -- it's  
11      against a federal -- it's against federal  
12      wildlife law to actually own an eagle feather,  
13      no matter what the circumstances are. That was  
14      a story a couple years ago.

15           And then she said that we -- he  
16      actually lied about that story. Then ten  
17      minutes later she does this. It was all -- it  
18      was all -- it was all strange and escalating.

19           Q. So let me back up because you went  
20      through a lot. The question was originally,  
21      what did you know at the time when -- when she  
22      first made these -- you're aware she tweeted.  
23      You -- you said you didn't know her that well.  
24      At the time what did you know about her? And  
25      you said she left under a cloud.

1           A.     Everything -- everything I said in my  
2 statement, Counselor, was contemporaneous  
3 information up until that day.

4           Q.     Oh. So you knew all of this, because  
5 some of it you were -- some of it you were  
6 describing things she had said afterwards so  
7 that --

8           A.     No -- I'm sorry. The time -- the  
9 timeline in my -- in my spiel, which is accurate  
10 in my mind, but, you know, we'll talk about  
11 that, and when she made the tweet, I talked  
12 about everything that I knew about her in  
13 between when she left and when she made that  
14 tweet. The harassing and threatening behavior,  
15 the threats against my coworkers, the  
16 mischaracterizations about me, the hostile  
17 work -- the hostile workplace stuff, that all  
18 came before she tweeted.

19           Q.     So were you aware of all of that as of  
20 December of 2020?

21           A.     I didn't know -- I didn't know -- I  
22 didn't know chapter and verse the exact  
23 circumstances of why she left, but like I  
24 knew -- I knew she left under a cloud because  
25 she was confronted with complaints against her.

1 Q. How did you -- how did you --

2 (Reporter clarification.)

3 THE WITNESS: I will very much try to  
4 slow down.

5 A. Confronted about complaints against  
6 her. I did not know the specifics of those  
7 complaints.

8 Q. Were you informed about that at the  
9 time she left?

10 A. Water cooler -- water cooler talk.  
11 Nothing official. She left -- she left in a  
12 huff. Then she put out an E-mail to everybody  
13 saying, I quit, thank you. And so this was  
14 loose -- you know, I never asked anybody in  
15 senior staff about it but that was what I heard.

16 Q. And had you personally had  
17 interactions with her?

18 A. A few. Unremarkable.

19 Q. What kind of interactions?

20 A. Conference calls together -- we were  
21 on conference calls together. We were at a --  
22 we were at a staff retreat together. We -- you  
23 know, we talked -- we talked in -- I think me,  
24 her and her boss at the time, Howard Zemski,  
25 had -- had conversations. Really nothing

1 remarkable.

2 You know, during her time she mostly  
3 stayed in the city. I was mostly based in  
4 Albany so, you know -- and she wasn't working in  
5 the chamber for all that long.

6 Q. Had you seen her interact with the  
7 Governor?

8 A. If I had it wasn't very remarkable.

9 Q. Uh-huh. Had you been in any meetings  
10 where you were with her and the Governor?

11 A. I did a record search. The short  
12 answer is I don't recall. I did a record search  
13 with publicly available information, and I was  
14 in a couple, but they were meetings with 30  
15 people on them or something like that.

16 Q. And how about events that you were at  
17 that she was at as well?

18 A. Must have, must have been.

19 Q. But you don't -- nothing -- nothing  
20 that you remembered?

21 A. Nothing remarkable. I certainly  
22 didn't travel with her. You know, we were  
23 probably in the same room with a hundred other  
24 people.

25 Q. Okay. And so going -- focusing -- I

1 know a lot has happened so, you know, it might  
2 be hard to just sort of keep it separate, but  
3 focusing on when you first learned that Lindsey  
4 Boylan is tweeting, saying -- making allegations  
5 of sexual harassment, although without a lot of  
6 detail at that point. You get a call from  
7 Melissa DeRosa, you go in, you meet -- you also  
8 get a call from Jimmy Vielkind. Anyone else?

9 A. Yeah, everyone. Every reporter on the  
10 face of the earth, yes.

11 Q. Do you respond -- did you respond to  
12 any of them before meeting with Melissa DeRosa  
13 and the counsel or did you meet with them first?

14 A. No, but it was a race -- it was a race  
15 because they were -- you know, they were post --  
16 they were posting stories. We had to get to the  
17 bottom of the facts and we didn't know what the  
18 facts are -- the facts were.

19 Q. I mean, the allegations were simply  
20 that there was sexual harassment. It wasn't a  
21 specific.

22 A. But then what do you -- but then what  
23 do you -- but what's she going to do? Is she  
24 going on TV? Is she -- is she talking to a  
25 reporter and giving other details that we have

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1 to respond to? What is she talking about? You  
2 know, you have -- I mean, these are -- there's a  
3 combination between figuring out what it was we  
4 had to respond to and -- and reporters looking  
5 to get stuff on the web up as quick as possible  
6 without any context while we're trying to get  
7 the context, while we're not getting any context  
8 from -- from the complainant.

9 Q. And so what did you do after the  
10 meeting? Well, other than the meeting that  
11 you're -- you're with counsel that you're  
12 asserting privilege over, any other discussions  
13 or conversations or meetings with anyone on this  
14 subject?

15 A. No. No.

16 Q. Okay. So what did you do?

17 A. We formulate -- we formulated a -- we  
18 formulated a response to her -- to her  
19 allegation.

20 Q. And what was the response?

21 A. The response was -- the response,  
22 denial from our press secretary. She did not  
23 file -- she -- we checked to see if she filed --  
24 if she ever filed any complaints. We checked --  
25 you know, we -- contemporaneously, with the

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1 information we had, we checked -- we checked to  
2 see if there was anybody -- anybody who we could  
3 talk to that may have been the third party. At  
4 some point the Governor -- at some point the  
5 Governor was asked and he said, didn't happen.

6 Q. Did you ask the Governor?

7 A. It wasn't me.

8 Q. Okay. Someone did and it was conveyed  
9 back to you?

10 A. Yes.

11 Q. Other than a denial, what else did you  
12 do?

13 A. I was asked -- we had to correct the  
14 record, sir.

15 Q. The question was simply what else did  
16 you do?

17 A. I -- well, also we -- in what context?

18 Q. To respond to Lindsey Boylan's claim.

19 A. Lindsey Boylan's claim of sexual  
20 harassment was responded to with a statement.  
21 Upon talking to -- upon talking to counsel, who  
22 I believe also talked to GOER, we also decided  
23 to correct the record and the circumstances of  
24 her -- of her departure, because that was  
25 demonstrably false information.

1           Q.    Is it your understanding that she had  
2 made public statements about the circumstances  
3 of her departure?

4           A.    She had.

5           Q.    What were they?

6           A.    She tried -- she left because of a  
7 toxic workplace, and she tried to quit three  
8 times until it actually stuck. That is actually  
9 not -- that is actually not what happened.

10          Q.    So you -- so you read the -- the claim  
11 that it was a toxic culture or that there was  
12 sexual harassment as saying that that's the  
13 reason she left?

14          A.    She said she -- but when she said she  
15 left, it had nothing to do with -- she had  
16 nothing to do with sexual harassment.

17          Q.    So it's your understanding that she  
18 said that her departure had nothing to do with  
19 sexual harassment?

20          A.    She said on -- she said that in the  
21 New York Post. She said it on Twitter.

22          Q.    She said in -- when did -- when did  
23 the New York Post article come out?

24          A.    A week -- a week before.

25          Q.    Before the -- before the tweet?

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1           A. Before the tweet about sexual  
2 harassment, yes.

3           Q. She had -- so your recollection is  
4 that there was -- sorry, let me step back.

5           The first time that you said you heard  
6 about allegations of sexual harassment was when  
7 she tweeted and then you started getting calls  
8 from Melissa DeRosa and Jimmy Vielkind, right?

9           A. Correct.

10          Q. Are you saying there was -- a week  
11 before there was a New York Post office saying  
12 Lindsey Boylan said that -- making allegations  
13 of sexual harassment before that?

14          A. No. She -- a week before she claimed  
15 that she left -- she claims she left the chamber  
16 because it was a toxic workplace and that she  
17 tried to quit three times before it stuck. That  
18 produced -- that produced news articles -- that  
19 produced news articles. At the time we decided  
20 not -- we decided not to respond. But, you  
21 know, as she -- as her claims were escalating,  
22 which tended to dovetail with her -- with her  
23 political ambitions, we -- we decided we needed  
24 to start correcting the record because she's out  
25 there saying things that are not true about --

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1 about how she left the administration.

2 Q. So let's step back then and talk about  
3 what you remember about this New York Post  
4 article.

5 What -- what did you -- what do you  
6 remember about that because it sounds like that  
7 preceded the tweet?

8 A. It was based entire -- it was based  
9 entirely on her previous tweet where she said  
10 this was the most toxic workplace she ever  
11 worked in. She -- and that she tried to quit  
12 three times until -- until it finally stuck.

13 The -- the reality is, she was brought  
14 up on numerous complaints by both her  
15 subordinates and her -- and her coworkers. When  
16 she was confronted by those complaints she quit.  
17 Three days later she asked for her -- she asked  
18 for her job back. Like I said, she -- she --  
19 her claims -- her claims against the Gov --  
20 against our office we believe are demonstrably  
21 false and were escalating. We did try not to  
22 engage for a long time but it got to -- it got  
23 to a point where we had to correct the record.

24 Q. Okay. So let me -- I -- I know --  
25 you're -- you're giving me sort of lengthy

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1       answers for very specific questions.

2                   So, the very specific question was:

3       When the Post article came out, what discussions  
4       did you have and with whom?

5       A.     I talked about -- I talked about it  
6       with -- with my team and with counsel, and then,  
7       you know, we made a decision that we're in the  
8       middle of a second wave of COVID, there's a lot  
9       of stuff flying around, you know, we -- we're --  
10      we'll just -- it's one -- it's one article,  
11      we'll just ignore it.

12      Q.     And did you -- who -- did you talk to  
13      Melissa DeRosa about that?

14      A.     I must have.

15      Q.     How about the Governor?

16      A.     Him I didn't talk to.

17      Q.     You don't remember it, though,  
18      specifically?

19      A.     I didn't talk -- I know I didn't talk  
20     to him. I must -- something like this I  
21     definitely would have talked to her, and I have  
22     a vague memory of that. And then, you know, I  
23     think I looped in Beth Garvey as well.

24      Q.     And did -- did Melissa DeRosa agree  
25     with not saying anything at the time?

1           A. Yeah, I think so. I mean -- I mean,  
2 yeah. It wasn't a long -- it wasn't a long  
3 discussion.

4           Q. Okay. So there was a decision made,  
5 we're just not going to respond this. And then  
6 time -- and then about a week passed before  
7 the -- her tweet that then raised sexual  
8 harassment?

9           A. About a week -- about a week passed as  
10 she -- she did escalate like her -- her attacks  
11 on us. During that time I believe, if you look  
12 at her Twitter feed, you'll see she -- she  
13 increasingly -- she increasingly was like,  
14 saying stuff that we believe to not be true  
15 about -- about the Governor, about -- about  
16 working here. And, you know -- and she  
17 escalated to the point where the press -- where  
18 everybody started to notice and the -- and the  
19 Governor himself was implicated. It used to --  
20 she used -- she limited her complaints to staff  
21 before that.

22          Q. She what, sorry? You were -- you were  
23 breaking up a little.

24          A. She limited -- she limited her  
25 complaints -- complaints escalated and were

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1 limited to staff, but then finally she made  
2 accusations with nothing -- with no specifics to  
3 back it up against the Governor, which we had to  
4 address. But when people write about that,  
5 they're going to write about everything else she  
6 said too and we had to correct -- we had to  
7 correct the record on that at least.

8 We addressed the allegations of  
9 harassment, and then we had to address the  
10 record on some of the other things she said  
11 because they were all going to -- they were all  
12 going to be part of the same swirl.

13 Q. So what -- what decision was made to,  
14 quote, correct the record?

15 A. Well, I talked to -- when I was  
16 talking -- I talked to reporters. I said, hey,  
17 she's been out there. She's been out there  
18 saying -- here's our response to the sexual  
19 harassment complaint. She's been out there  
20 saying a lot of things over the past -- over the  
21 past week, especially about the circumstances of  
22 departure. That's false. She got fired after  
23 being confronted. And to the one -- the  
24 reporter said to me, do you have anything to  
25 back it up? Prove it.

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1 Q. Who said that to you?

2 A. Bernadette Hogan from the Post, David  
3 Caruso from the AP. I think Jimmy was also  
4 interested. I think ultimately they ended up  
5 not publishing anything of substance to it and  
6 then several others.

7 (Discussion held off the record.)

8 THE VIDEOGRAPHER: Standby. The time  
9 is 10:41. We're going off the record.

10 (Short recess taken.)

11 THE VIDEOGRAPHER: This meeting is  
12 being recorded. The time is some 10:44.  
13 We are back on the record.

14 Q. So I think when we broke you said  
15 people were saying prove it, Bernadette Hogan  
16 from the Post, Caruso, Timmy [sic] as well. And  
17 so what did you -- so what did you do to -- to  
18 try to prove it?

19 A. Well, I consult -- I consulted with  
20 counsel. I believe counsel consulted with GOER.  
21 And in order to correct demonstrably false  
22 information, I did -- I did share, I did  
23 share -- I did share documents documenting  
24 her -- documenting her departure and her  
25 ultimate thing -- ultimate attempt to come back.

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1 That -- that was redacted in such a form that it  
2 protected the complainants.

3 Q. To what, sorry?

4 A. Redacted in such a way as to protect  
5 the complainants.

6 Q. And was there -- and who were the  
7 lawyers that you consulted with; Linda Lacewell  
8 and who else?

9 A. Linda Lacewell, Judy Mogul, those were  
10 the main two. I can't remember if Beth was in  
11 the mix.

12 Q. Okay. And -- and GOER you said?

13 A. They consulted with GOER.

14 Q. Did you have any conversations with  
15 GOER?

16 A. No, but the lawyers -- the lawyers  
17 represented that they did.

18 Q. Okay. Was there any discussion  
19 that -- that you were involved in about whether  
20 those documents were privileged?

21 A. Again, I consulted with counsel.

22 Q. Okay.

23 MR. J KIM: And are you asserting  
24 privilege -- and I guess this is a question  
25 for Ed, asserting privilege over whether

1           those discussions involved -- whether those  
2           consultations involved question of whether  
3           those documents were privileged or not?

4           MR. E KIM: Yeah, yeah, I think  
5           we're -- I think we're instructing Rich not  
6           to answer questions about the -- the  
7           details of the consultation.

8 BY MR. J KIM:

9           Q. Was there any discussions that you  
10          were part of as to whether releasing such  
11          documents would constitute retaliation?

12          A. Again, I'm going to have to -- I'm  
13          going to have to assert privilege to my -- to  
14          any conversations I had with counsel.

15          Q. And in your mind what was it that you  
16          were producing? Were these -- I know it's been  
17          described as personnel folder or file, what --  
18          what did you think it was that you were  
19          producing?

20          A. The documents documenting the --  
21          documenting the circumstances around her getting  
22          confronted for multiple allegations of bullying  
23          and harassment in the workplace. Her reaction  
24          to them. And a follow-up -- and a follow-up  
25          memo documenting a conversation where she asked

1 for her position back.

2 Q. So in your mind it wasn't her  
3 personnel file?

4 A. In my mind those are the documents --  
5 in my mind the documents as I described them is  
6 what it was. Whether they were in a file or  
7 not, that's -- it's not relevant to me.

8 Q. Are you aware whether employees of  
9 executive chamber have a personnel file each?

10 A. I'm not in the human resources  
11 department, Counselor. I'm sorry, I don't know.

12 Q. Well, do you have an understanding?  
13 Maybe the understanding is I don't, but ...

14 A. I do not. I -- I assume everyone does  
15 have a -- you know, you file paper -- you file  
16 paperwork to -- when you -- when you come in,  
17 you file paperwork when you get promoted, you  
18 file paperwork if you get a pay raise, you file  
19 paperwork if you move departments. I'm assuming  
20 that's kept somewhere, but I -- but I don't  
21 know.

22 Q. Okay. And how did you obtain these  
23 documents that you ended up producing?

24 A. I spoke to -- I spoke to another  
25 counsel who had -- who had access to them

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1 after -- after I consulted other counsel about  
2 them.

3 Q. Who did you speak to to get them?

4 A. Julia, last name starts with a P. I'm  
5 sorry, it's one of those names you read on  
6 E-mail all the time.

7 Q. Yeah, I know. Julia K-p-i-e-c, right?

8 A. Kpiec, thank you.

9 Q. And did she have the -- the documents?

10 A. She did.

11 Q. Did you speak with Alphonso David?

12 A. I think I did.

13 Q. Okay. When did you speak with  
14 Alphonso David?

15 A. That afternoon.

16 Q. Before you got the file or after?

17 A. I believe it was -- I believe it was  
18 very contemporaneously.

19 Q. Okay. And who reached out to who?

20 A. I think I called him. He knew more  
21 about the situation than anybody.

22 Q. Did someone direct you to call him or  
23 you just did it?

24 A. If it came up or if I did it -- I  
25 mean, again, we're in a group. I don't -- I

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1       don't -- I don't quite remember, but I would  
2       have called -- you know, wouldn't have been  
3       weird if somebody asked to call him. It  
4       wouldn't have been weird if I called him myself.

5           Q.     Okay. What did you tell him?

6           A.     I believe that conversation may also  
7       be privileged.

8                   MR. J KIM: Is that right, are you --  
9                   Ed, are you asserting privilege over  
10          conversations with Alphonso David?

11                  MR. E KIM: You know, Joon, I think  
12          that one we may to check with chamber.

13                  I -- I don't want to step out of bounds  
14          with what they've been doing. But we -- we  
15          may need to check with them. And if  
16          it's -- you know, if it's important enough  
17          we can raise it with them on a break or  
18          something.

19                  THE WITNESS: And I tried to answer --

20                  MR. J KIM: I said, I think in the  
21          beginning, we directed you not to call  
22          people about --

23                  MR. E KIM: That's why I was asking  
24          permission, but, you know, we can just  
25          table it.

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1           A. Listen, I'm prepared to answer the  
2 question if the chamber's -- if the chamber's  
3 position is it's not privileged, but I -- you  
4 know, I want to -- I'd like to check.

5           Q. Did he send you anything?

6           A. I believe -- I believe he sent me the  
7 last document.

8           Q. Okay. But was -- was that a document  
9 that you already had or ...

10          A. I don't remember. I don't -- I don't  
11 remember. He may have sent me duplicate  
12 documents that I had. That last -- that last  
13 file first conversation, I believe he had that  
14 was -- he sent to the chamber. And I can't  
15 remember if it was in their files or not.

16          Q. And then did you consult with anyone  
17 else other than the -- Melissa DeRosa, with  
18 counsel in the office, Alphonso David. Anyone  
19 else?

20          A. I think there were some calls. I  
21 think -- I think Josh and Liz, maybe Jeff were  
22 on those -- were on those calls. I mean, if  
23 they contributed -- if they contributed to the  
24 conversation in any meaningful way I don't  
25 remember -- I don't -- I don't recall directly.

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1       But the people I discussed for the important  
2       conversations and the relevant ones.

3           Q.    Uh-huh.   But you remember consulting  
4       with Josh and Liz Smith at the time?

5           A.    I remember being on calls, I remember  
6       being on calls with them.   I remember being on  
7       calls with them.   I talked to Rich Bamberger too  
8       around that day.

9           Q.    Uh-huh.   Did --

10          A.    And he -- because -- I'm sorry, you --  
11       I'm just talking.   You were asking a question.

12          Q.    Did Rich -- did anyone else play a  
13       role in sending these documents to reporters,  
14       other than yourself?

15          A.    I believe Josh did, and Rich I don't  
16       believe actually sent them, but I think, you  
17       know, he started -- I think -- I think reporters  
18       started calling him for them once these stories  
19       started to pop.

20          Q.    And why did Josh send them as opposed  
21       to directing them to you?

22          A.    I think he may have been talking to  
23       the reporter subsequently who had a better  
24       relationship with than me.

25          Q.    Was there any discussion about sharing

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1 internal executive chamber documents with people  
2 outside of chamber and the propriety of that?

3 MR. E KIM: Are you talking about  
4 outside of --

5 MR. J KIM: Yeah, I guess outside  
6 of -- outside of conversations with  
7 lawyers.

8 A. Any conversations to that -- of that  
9 nature would have been with counsel.

10 Q. Are you -- have you ever -- are there  
11 any other instances where you have sent out  
12 documents of that nature to --

13 A. Not me -- not me personally. There  
14 was a well -- there was a well-documented  
15 previous incident involving Howard Glaser and  
16 this administration.

17 Q. Yeah, what was that?

18 A. It was -- I -- I forgot the exact  
19 circumstances, but there was -- there was --  
20 there was a state -- there was a state employee  
21 who made one representation about why -- about  
22 why he was fired. Came to the attention of  
23 Howard Glaser that -- that -- that he was fired  
24 for cause.

25 The story itself was starting to get a

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1 lot of pickup. Howard went on the radio and --  
2 and discussed the personnel -- and discussed the  
3 personnel file and read some of its contents. I  
4 was a relatively junior staffer when that  
5 happened.

6 Q. And what was the discussions about  
7 whether that was appropriate or not for him to  
8 do that?

9 A. I wasn't privy to any of that, but you  
10 did ask -- that is the only -- that is a  
11 previous -- time that I understand this  
12 happened.

13 Q. Any other instances that you are aware  
14 of where documents about personnel were -- were  
15 made public in this way?

16 A. None -- none come to mind.

17 Q. Putting aside the discussions with the  
18 lawyers, did you have any personal reservations  
19 about doing that?

20 A. I have a legal question, then I  
21 consulted with counsel.

22 Q. Other than legal question you didn't  
23 have any questions?

24 A. I wanted to correct demonstrably false  
25 information. No.

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1           Q.     Did you know -- did you have any basis  
2     to know whether she had been sexually harassed  
3     or not?

4           A.     Like I said, that was a separate --  
5     that was -- that was a separate -- that was --  
6     in our -- in our minds, that was a separate --  
7     that was a separate line of thought, the  
8     separate -- separate inquiry. She didn't  
9     file -- she didn't file a complaint. No one who  
10    had been -- no one who we knew were --  
11    remembered anything weird in meetings, which is  
12    what she tweeted.

13               And -- and again, the Governor denied  
14    it. And we addressed that -- and we addressed  
15    that in a separate statement.

16           Q.     So just to ask the question again.  
17    Did you have any personal basis to know whether  
18    she had been sexually harassed or not?

19           A.     I don't.

20           Q.     And so when you say it's separate, so  
21    you're saying this was being released in --  
22    in -- in a way that's unrelated to her claim of  
23    sexual harassment?

24           A.     The circumstances about her departure  
25    were -- since those are still fresh in

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1 everybody's mind, were going to be included in  
2 every story about her claim. Which, again, we  
3 answered separately. So we -- we determined it  
4 was ready -- rather than ignore her, which we  
5 had done previously, we had to start correcting  
6 the record and start correcting the record of  
7 her false claims.

8 Q. And in your mind it's -- the two  
9 things were separate?

10 A. Yes.

11 Q. It just happened to be sent the day  
12 she made the sexual harassment allegations, even  
13 though you initially decided not to?

14 A. She -- in the week in between she  
15 continued to escalate her attacks, attacks at  
16 the administration, which were false, and we --  
17 and we were determined to correct the record.  
18 On the sexual harassment claims, that was a --  
19 that was a separate statement that dealt with  
20 that.

21 Q. I'm not -- I guess my question  
22 isn't -- I understand that there are  
23 statements -- not every statement you can -- you  
24 can split up every statement into separate  
25 statements, but your testimony about whether the

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1 decision to release the documents was, in your  
2 mind, a separate matter and unrelated to her  
3 allegation of having suffered sexual harassment?

4 A. Yes.

5 Q. They were unrelated?

6 A. Yes.

7 Q. Just happened to be the day that she  
8 made those sexual harassment allegations and  
9 that it was sent to reporters who are asking  
10 about it?

11 A. Asking the reporter to her asking  
12 about -- her claims at large.

13 Q. Her what, sorry?

14 A. They were sent to reporters who were  
15 asking about her -- who were asking about not  
16 only her sexual harassment claims but the  
17 hostile workplace claims. Like I said --

18 Q. The reporters who were calling you,  
19 were they not -- sorry.

20 A. No, I'm done.

21 Q. Were the reporters who were calling  
22 you not asking you about the sexual harassment  
23 claims?

24 A. They certainly were.

25 Q. So they were sent to reporters who

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1       were asking about sexual harassment claims,  
2       correct?

3           A.    They were sent to reporters who  
4       were -- who were interested in the circumstances  
5       of her departure as well as the statement about  
6       her sexual harassment complaint.

7           Q.    It's your testimony that in your mind  
8       the two were unrelated, the sexual harassment  
9       allegation and you're sending of the documents  
10      were unrelated?

11          A.    The responses were unrelated.

12          Q.    What do you mean by "the response"?  
13       So what do you mean the responses are unrelated?

14           My question is: In your mind, under  
15       oath, your testimony is that your sending of  
16       those documents to the reporters were unrelated  
17       to Lindsey Boylan's allegation of sexual  
18       harassment?

19          A.    Yes.

20          Q.    Did you discuss -- do you know if the  
21       Governor knew that you were sending out these  
22       documents?

23          A.    I don't know if I did. I don't know  
24       if I did.

25          Q.    Did you have any -- any discussions

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1 with him about it?

2 A. No.

3 Q. He certainly obviously become aware of  
4 it because it made it's way in the papers pretty  
5 quickly.

6 A. I would -- I would think -- I would  
7 think so. I didn't have any direct conversation  
8 about the file.

9 Q. If you can turn to tab 12 in the  
10 second binder, binder two. You see this is a --  
11 a text -- well, it is a text chain --

12 A. Yes.

13 Q. -- that you are on?

14 A. Yes.

15 Q. And although it says "dad" at the top,  
16 [REDACTED] is -- it appears to be Richard  
17 Bamberger's device.

18 Do you see that?

19 A. Uh-huh.

20 Q. Okay. And so this is a text chain  
21 that you're on. It says, "Caruso feels need to  
22 get [REDACTED], [REDACTED] and [REDACTED] out and any  
23 paperwork out. He says they are debating at AP  
24 what to do but this will steamroll so may have  
25 to do something."

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1                   Do you remember being in a text  
2 exchange -- well, just to help you, if you want  
3 to look at the next page. He writes, 20 minutes  
4 later, "Bernadette is talking to Isabel now  
5 about what was told by her former colleagues.  
6 Campbell says he doesn't write-off of unverified  
7 tweets. He called Lindsey. She won't talk."

8                   Do you remember being on a text chain  
9 with Rich Bamberger, Dani Lever and Josh Vlasto  
10 and Melissa DeRosa?

11                  A. I mean, no, but this -- this document  
12 does refresh my memory.

13                  Q. Okay. What does he mean -- who's  
14 Caruso?

15                  A. David Caruso is the reporter for the  
16 AP who he was talking to.

17                  Q. Okay. Was he talking to him or were  
18 you talking to him as well?

19                  A. We were both talking -- we were both  
20 talking to him.

21                  Q. By the way, like, Rich Bamberger is at  
22 Kivvit at this point, right?

23                  A. Yeah.

24                  Q. And is there just an understanding  
25 from the reporters that he speaks for the

1       **executive chamber?**

2           A.    No. I think in this particular case,  
3 and usually this happens a lot with TV news,  
4 because his -- his background was from CBS,  
5 which is that if a big story breaks, all of a  
6 sudden he gets calls just because, yeah, he's in  
7 that -- he's in that world. He doesn't speak  
8 for us, but like thinks -- but like he does have  
9 people who are in our world -- people know he's  
10 still like in our world and we're still social  
11 with him so they call and say, hey, what do you  
12 make of this, what this was. And I -- Caruso  
13 definitely reached out to him first that day.

14          Q.    Is that -- by the way, is that common,  
15 in your experience, of reporters reaching out to  
16 former employees of organizations to get the  
17 official word from -- from those organizations?  
18 I mean, you were a reporter before too, right?  
19 Like is that --

20          A.    Reporters --

21          Q.    -- a common occurrence?

22          A.    Sorry, I didn't mean to cut you off.  
23 Reporters beg, borrow and steal any angle they  
24 can to try -- to try to get -- to try to get  
25 access to something. So, yeah, they'd call

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1 former -- they call former people. And the  
2 former people would be talking to us. Again,  
3 Rich is -- I said this before I think, we spend  
4 our entire day on the phone with people like  
5 asking what they think about stuff.

6 Reporters are the same way and they --  
7 and they have their connections and sometimes --  
8 and I think they perceive, though it may not  
9 be -- it's -- I don't think it's -- I don't  
10 think it's truthful in this case, that former  
11 guys who are still close, who have their own --  
12 who have their own interests, and like want  
13 shift reporters may give them -- may give them  
14 access -- better access or fresh dirt or like  
15 something that's not necessarily authorized.

16 Q. So I -- I understand that reporters  
17 will beg, borrow and steal to get information.  
18 In your experience, is it common for  
19 organizations to also regularly bring in people  
20 who are not part of that organization any more  
21 to speak on behalf of the organization?

22 A. I think -- I think as part of the  
23 human condition when you -- when you feel like  
24 you're in battle you turn to those you trust.

25 Q. And is that -- you were in battle --

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1 was that all the time, you're in battle?

2 A. Define a time period, Counselor.

3 Q. I'm asking you, is it always a battle?

4 A. It's not always a battle but this --

5 this was obviously a serious -- a serious event.

6 Q. Is this unusual, though, to bring  
7 in -- I thought you said you sort of regularly  
8 consulted with people like Steve Cohen, and  
9 others?

10 A. Yeah, I -- I do. I think -- I thought  
11 you were asking me two slightly different  
12 questions.

13 Q. Okay.

14 A. Like -- like yes, we turn to people  
15 who know us, worked with us, understand --  
16 understand us and -- and who also happen to be  
17 very good and very smart. We do do that. I  
18 think what -- I thought what you were asking me  
19 before was it -- is it unusual for reporters to  
20 go to former -- to go to former people to try to  
21 get official statements. I thought those were  
22 two slightly different questions.

23 Q. Okay.

24 A. My -- you want -- are you satisfied  
25 with my answer to the second or --

1 Q. Yeah, sure.

2 A. Okay.

3 Q. When he says, "Caruso feels we need to  
4 get [REDACTED], [REDACTED] and [REDACTED] out," who's that a  
5 reference to [REDACTED], [REDACTED] and [REDACTED]?

6 A. I don't know.

7 Q. Do you know anyone -- anyone by the --  
8 by the name --

9 A. A lot of people named [REDACTED].

10 Q. You know a lot of [REDACTED]. How about  
11 [REDACTED] --

12 A. I know a lot of people --

13 Q. -- spelled [REDACTED]?

14 A. Yeah, I don't know.

15 Q. How about [REDACTED]?

16 A. [REDACTED] could -- could -- [REDACTED]  
17 could be a reference to Catalina Cruz who used  
18 to work for us. She's an assemblywoman now.

19 Q. Okay. Were there discussions here  
20 about -- sorry, let me step back.

21 Were there discussions at that time  
22 about reaching out to other former female  
23 staffers at the executive chamber to get ahead  
24 of any reporting?

25 A. I think there may have -- I think

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1 there may have been a thought about talking to  
2 some of Lindsey's ex-coworkers when we're --  
3 when there was discussion about what to do to  
4 correct the record to some of the people who are  
5 actually there. That could be these people. I  
6 don't know.

7 Q. Okay. Then you say --go ahead --

8 A. In the end I think you saw -- I think  
9 you saw what we did.

10 Q. Okay. And it says "and any paperwork  
11 out." What's that a reference to?

12 A. I believe that's in reference to the  
13 documents. Again, the number one question  
14 reporters ask me, prove it.

15 Q. Okay. He says, "They are debating at  
16 AP what to do but this will steamroll so may  
17 have to do something."

18 What did you understand him to mean,  
19 this will steamroll?

20 A. They're going to move -- they're  
21 debating whether -- whether a tweet with no  
22 accusations, no -- and no -- no -- and basically  
23 directed the reporters that she's giving no  
24 details, with -- with no complaint filed -- with  
25 no complaint filed behind it was worth doing.

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1 They were having an internal debate that I guess  
2 they informed Rich of.

3 Q. And did that weigh for or against  
4 releasing the paperwork?

5 A. Neither. Neither. The AP was one of  
6 many outlets that we were dealing with that day.

7 Q. I see. Was the decision if you're  
8 going to issue to one, you give it to all of  
9 them?

10 A. It was -- the Post and the AP really  
11 wanted it. They were after us for a long --  
12 they were after us on that. When I say "after  
13 us," I mean they were persistent on -- on that.  
14 Other people, once those stories published,  
15 wanted the same documents. I wasn't -- I wasn't  
16 widely -- it wasn't -- I wasn't blanket  
17 distributing it, I don't believe. That's not my  
18 memory.

19 Q. Okay. If you look to the next page of  
20 that document, it says, "Bernadette is talking  
21 to Isabel now about what was told her by former  
22 colleagues. Campbell says he doesn't write-off  
23 of unverified tweets. He called Lindsey. She  
24 won't talk."

25 So Bernadette is who?

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1           A.    Bernadette's Bernadette Hogan from the  
2 Post.

3           Q.    Isabel?

4           A.    Isabel, I believe Isabel Vincent who  
5 works the Sunday desk at the Post.

6           Q.    So all both Post reporters?

7           A.    Uh-huh.

8           Q.    And former Campbell, Campbell is who?

9           A.    Jon -- that's Jon Campbell a reporter  
10 with Gannett.

11          Q.    And were you talking to all of those  
12 people yourself or --

13          A.    I was. Not Isabel, but I was talking  
14 to Bernadette. Bernadette's the one who wrote  
15 the hostile workplace story a week prior. She  
16 heard from her own sources about the  
17 circumstances of her leaving. And then  
18 previous -- and previous -- and had previously  
19 tried to track that down.

20          Q.    How did she try to track that down  
21 previously?

22          A.    I think she was trying to talk to  
23 people.

24          Q.    And she had talked to you and asked  
25 for evidence or proof or documents?

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1           A. Yeah, and she certainly did that day  
2 too.

3           Q. Previously you hadn't provided it?

4           A. Previously -- what changed there was  
5 the escalation during the week of attacks upon  
6 the administration that we believed to be  
7 baseless.

8           Q. Who had you discussed it -- this with  
9 previously, Bernadette's requests?

10          A. I don't know if I did. She hammers me  
11 with ten things a day, to be honest with you.

12          Q. Okay. So you want to look on the next  
13 tab, tab 13. And this is a text chain with the  
14 same people. It says, "Caruso says he has to go  
15 and will update."

16           Melissa says, "Hold."

17           Melissa says, "We're getting it to him  
18 now. Anything from DN?"

19           I assume that's Daily News?

20          A. Yes.

21          Q. "I didn't call Dennis."

22           Who's Dennis?

23          A. Dennis Slattery is the reporter from  
24 Newsday -- I'm sorry, the Daily News.

25          Q. The Daily News.

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1                 "Do we need to" -- Melissa DeRosa  
2 says, "Yes. Got voice mail. Texted him. AP  
3 all set. Tying up the Times now."

4                 So this is -- looks like a text chain  
5 where you -- you're talking about what to do,  
6 hold, and then the decisions made to send out  
7 the documents. And then you say, "AP all set.  
8 Tying up the Times now."

9                 What does that mean, "AP all set.  
10 Tying up the Times now"?

11                 A. I think -- that's -- that's not  
12 necessarily what this text chain's about. The  
13 AP -- a lot of these things, we didn't have  
14 out -- we didn't even have our original answer  
15 formulated yet so they were going up with no  
16 response from us.

17                 Rick obviously did talk to David about  
18 the circumstances of her leaving, but AP put up  
19 a story that had -- I believe had -- at first  
20 had no response from us, had no response that  
21 denied any of the remarks. And we were still  
22 trying to formulate our actual conclusion.  
23 Yeah, Sunday at 1:43, you know, half -- half the  
24 time, half that day I spent was trying to hold  
25 people at bay from doing -- tying stuff up just

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1 based on the tweet, while we tried to get our  
2 arms around what it was so we could formulate a  
3 response.

4 Q. So if you look at the time, it's  
5 Sunday at 2:30. It says "AP all set." If  
6 it's -- if you can go to this -- hold on. Let  
7 me just see which binder this is.

8 If you can go to tab 6 of that same  
9 binder, and just keep in it your head 2:30 p.m.  
10 Sunday?

11 A. Okay.

12 Q. See it, 2:29 you send former press  
13 secretary Caitlin Girouard? Girouard?

14 A. Yeah.

15 Q. "Simply no truth to these claims," and  
16 then attached are some documents, right? These  
17 are the documents we talked about or --

18 A. Okay. Then my -- then my recollection  
19 doesn't necessarily -- wasn't necessarily  
20 correct. They were -- in the case of the AP. I  
21 apologize.

22 Q. So you -- does this -- does this  
23 refresh your recollection that you -- you sent  
24 to David Caruso, right around this time, the  
25 documents?

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1           A. Along with the response from the  
2 press -- from the press secretary. We must  
3 have -- we must have come -- we must have come  
4 to that at the same time.

5           Q. And why was -- this one, it looks like  
6 it's coming out from Caitlin versus someone else  
7 or you? How -- how is that decision made?

8           A. She's our press secretary. She's one  
9 of the people who speaks on the record.  
10 Obviously, you know, I think it's evident with  
11 the -- with the nature of the allegation, having  
12 it -- having it come from -- having it come from  
13 a woman we certainly -- would certainly be  
14 beneficial. At a certain point in the  
15 conversation we did loop in -- we did loop in  
16 Caitlin to discuss everything that was going on.

17           Q. And what was -- what had been done to  
18 verify that -- the statement that there's simply  
19 no truth to these claims?

20           A. As I said before, we sought -- we  
21 sought to see if she got a complaint. We tried  
22 to recollect anybody who saw -- who saw anything  
23 in meetings with her. And we talked to the  
24 Governor. Again, they're asking for our  
25 response. You're asking for the Governor's

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1 response to these -- these allegations. His  
2 response is there's simply no truth to these  
3 allegations.

4 Q. You spoke to the Governor?

5 A. Someone spoke to the Governor and that  
6 statement was approved.

7 Q. Okay. If you look at this document  
8 that was sent around or these documents, there  
9 were parts that were redacted and filled in with  
10 ESD official one, two; you see that?

11 A. I do.

12 Q. Whose handwriting is that?

13 A. Unfortunately -- and I say  
14 unfortunately only because of the penmanship,  
15 mine.

16 Q. And did you -- you whited out the  
17 names and -- and put these descriptions for  
18 them?

19 A. I did.

20 Q. And did anyone direct you to do that?

21 A. This was -- this was upon -- this was  
22 upon consultation of counsel.

23 Q. They said take out the names of the  
24 complainants?

25 MR. E KIM: Joon, I think we need to

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1 stay away from, you know, what counsel  
2 advised him on.

3 Q. But you were also giving out names to  
4 reporters of -- or someone was, it looked like,  
5 in the earlier texts, of names of the  
6 complainants to talk to?

7 A. I was not.

8 Q. Huh?

9 A. I was -- I was not.

10 Q. It was someone else, to your  
11 knowledge?

12 A. I don't know. I think some people --  
13 I think we did try to call -- I think we did try  
14 to call some people who knew -- who -- who  
15 worked with Lindsey about -- about their  
16 encounters with her. Ultimately, this is when  
17 I -- this is what was decided to be done.

18 Q. Sorry, I'm getting -- I'm not catching  
19 everything you're saying. If you go a little  
20 closer to the phone. Sorry.

21 MR. E KIM: It's a lifelong condition  
22 but we'll try to remedy that.

23 THE WITNESS: I should have mentioned  
24 this at the beginning when you asked me if  
25 I had any conditions.

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1           I'm -- I'm sorry -- I'm sorry,  
2 Counselor. One more time.

3           Q. Let me look it up.

4           Were you aware that the names of  
5 certain of the complainants were being provided  
6 to reporters?

7           A. I don't know if they were the actual  
8 complaint -- I don't know if they're actual  
9 complainants here. I do know -- and again, I  
10 just don't -- I just don't remember all the  
11 complainants in the actual document. I'm sure  
12 you have an unredacted copy somewhere.

13           I'm sorry.

14           You know, there -- I think we  
15 contacted -- I think some people who did work  
16 with Lindsey -- with Lindsey were contacted,  
17 that report -- reporters wanted. I think  
18 ultimately that's not what -- that's not what  
19 happened.

20           Q. And you see that the first page of the  
21 document, the subject line is "confidential  
22 personnel matter"; right?

23           A. Yes.

24           Q. And then the second document up top  
25 says, "Draft, privileged and confidential

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1 attorney/client privileged communication."

2 And the last E-mail from Alphonso  
3 David also says "privileged and confidential  
4 attorney/client communication, attorney work  
5 product."

6 I suspect the answer to this will be  
7 that you're asserting privilege, but any  
8 discussions you had about the fact that these  
9 documents, on their face, asserted  
10 attorney/client privilege and work product  
11 privilege and whether sending it out would be  
12 appropriate?

13 A. Again, I think -- I think -- I think  
14 your hunch is right.

15 Q. Have you ever sent out to reporters  
16 any other documents that -- in your career that  
17 were marked -- visibly marked at the top  
18 attorney/client privilege attorney work product?

19 A. None come to mind, but if I had I  
20 would have consulted counsel before.

21 Q. Okay. Do you remember any instances  
22 of that?

23 A. None -- none come to mind -- one comes  
24 to mind, but like I said, if I -- for something  
25 like that I would have consulted counsel.

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1           Q.    So if you can flip through tabs 2, 3,  
2    4 and 5 of that same binder number two. Those  
3    all appear to be E-mails where you send the same  
4    document to various reporters, New York Times,  
5    Wall Street Journal, New York Post, Times --  
6    Times Union, correct?

7           A.    Uh-huh.

8           Q.    Did anyone -- any others that you  
9    remember sending this to, other than these that  
10   we have?

11          A.    I believe the Huffington Post. There  
12    may -- there may have been others but, you know.

13          Q.    Okay. Do you remember any other  
14    reporters asking you -- well, what did you tell  
15    the reporters as to what this is?

16          A.    I'm condensing several conversations.  
17    Again -- again, if the conversation with the  
18    reporter turned to, by the way, she -- she --  
19    separate from this, she lied -- she lied --  
20    she's been lying about how she left the  
21    administration. And two to one, they all said,  
22    you got any proof of that.

23          Q.    So, sorry. You -- you recall saying  
24    "separate from this," when you talked to  
25    reporters?

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1           A. I'm talking about a different -- I'm  
2 talking about a different subject other than the  
3 sexual harassment tweet, yeah.

4           Q. So you --

5           A. Again, Counselor, every story about  
6 this will also have -- will also have she  
7 previously accused us of having a toxic  
8 workplace and that she ended up leaving -- and  
9 she ended up leaving on her own volition. Every  
10 story was including that.

11          Q. I understand they're going to -- the  
12 stories. My question was a much more narrower  
13 one, which is: You actually recall saying to  
14 reporters, "separate from this" when you sent  
15 these out or talked about this, these records?

16          A. Okay. Sorry, there's some banging  
17 again.

18           I may not -- I may not have, but  
19 the -- my conversations are more -- are more  
20 personable than this current one.

21          Q. Are more what, sorry?

22          A. My conversations with them are more  
23 conversational and more personable than this one  
24 so, sorry -- sorry about that.

25          Q. No offense taken -- no offense taken

1 to personable comment.

2 A. Yeah.

3 Q. That's my normal reaction to Ed Kim.

4 A. I was warned.

5 So -- no. When I talked -- when I  
6 talked to reporters, if they expressed interest  
7 in reporting at the toxic workplace stuff,  
8 once -- again, the Post had this for -- the Post  
9 has been gnawing at this, the AP was obviously  
10 very interested in this. Once those -- once  
11 those two stories popped, people called me and  
12 were -- and were like, can you verify that  
13 information, can you share that information.

14 Q. Okay. Did you -- and did you --  
15 were -- were your discussions about this, these  
16 documents and the substance of them, off the  
17 record or on the record or it depended on the  
18 outlet?

19 A. Depended on the outlet. You know, I  
20 don't think -- we're all having normal  
21 conversations. I don't think I ever said off  
22 the record. I may have. I may have. But, you  
23 know, if they're looking for -- they weren't  
24 looking for me to verify. They weren't looking  
25 for me to verify as -- you know, with quotes

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1 around them. They're looking for the records.

2 Q. Okay. So just, if you can look at  
3 tab 16 and the first couple texts -- well, at  
4 least the second one we've seen before.

5 "Bernadette is talking to Isabel now."

6 Bamberger says, "Dana just called me.  
7 She says she has to write something and suggests  
8 we get her something so it's on record. She  
9 said please give her anything."

10 What do you understand that to mean?

11 A. I believe that was in reference, the  
12 direct denial, which I don't think we had at the  
13 time. Can I check the time stamp on that to  
14 make sure? What page was that?

15 Q. We get it on the record at 11:33 a.m.?

16 A. 11:33 a.m. Yup. Yeah. By that point  
17 I think we're still figuring out what -- what we  
18 needed.

19 Q. Okay. Before sending them out to  
20 reporters, did you send images of these  
21 documents to anyone, that you remember.

22 A. Looks -- looks like I did to this  
23 chain.

24 Q. Huh?

25 A. Looks like I did to this chain.

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1           Q.    Yeah.  Okay.  How about the people at  
2 tab 14?  I don't know if that's what you're  
3 looking at.  It's actually a different -- a  
4 slightly different chain.

5           A.    Bamberger, Dani, Vlasto.

6           Q.    This one includes Steve Cohen.

7           A.    Okay.

8           Q.    Do you remember discussions you had  
9 with Steve Cohen about this?

10          A.    Not in particular.  Yeah, I guess I  
11 did see these images out.  I want people to  
12 know -- people who are talking to reporters to  
13 know what they're talking about.

14          Q.    You have a -- you have a recollection  
15 of why you sent it -- images to these particular  
16 people, just that they need -- you wanted them  
17 to know what you were sending out?

18          A.    I want -- and also if they were  
19 talking to reporters I wanted them to know the  
20 facts -- the facts as they were.

21          Q.    And were they -- do you know if Steve  
22 Cohen was talking to reporters too at the time?

23          A.    I don't believe Steve -- I don't  
24 believe Steve Cohen was.  I could -- I could be  
25 wrong.  He may know one or two.

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1 Q. Okay. But Dani Lever was?

2 A. It look like she was talking to Dana  
3 and a couple -- Dana Rubenstein and -- and maybe  
4 one other --

5 Q. And we know --

6 A. If we're looking at the text chains.

7 Q. And we know Bamberger was. Although,  
8 actually this one does not -- yeah. And this  
9 one includes Bamberger.

10 Okay. If you go to tab 15.

11 A. Uh-huh.

12 Q. You send this time, "confirm receipt  
13 and -- confirm receipt and that they're on the  
14 right order, please."

15 A. Yeah.

16 Q. "In the right order."

17 Were you -- were you asking these  
18 folks to -- to check the order correctly or  
19 was -- do you know what the --

20 A. I think I sent them images, sent them  
21 images, you know, and -- ever send more than one  
22 images on your phone? Do you do it the right  
23 way or do you do it the wrong way? If you do it  
24 the wrong way, if it's a page, it's like reading  
25 backwards.

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1           Q.    So you're asking them to confirm that  
2 it's in the right order before they read it so  
3 that --

4           A.    So they --

5           Q.    Not asking them to tell you what the  
6 right order is?

7           A.    Right.

8           Q.    Okay. Vlasto says, "Reading now."  
9 Lever says, "Do we have any additional details  
10 of complaints made against her? This just  
11 mentions them but doesn't explain what they  
12 were."

13                  Do you know what --

14           A.    I guess she --

15           Q.    -- Dani Lever was asking?

16           A.    I think she was -- I think she was  
17 reading and commenting before she finished  
18 reading.

19           Q.    I see. Because it is -- the documents  
20 are pretty detailed.

21           A.    Correct.

22           Q.    And then if you go down, if you go two  
23 more pages, there's a -- it looks like a link to  
24 contact information for [REDACTED] ?

25           A.    Yes.

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1 Q. Who's [REDACTED]?

2 A. She used to work at ASB. She  
3 currently works for -- she currently -- no.  
4 Until yesterday I think she was coms director  
5 for the [REDACTED] campaign.

6 Q. And why were you sending her  
7 information?

8 A. I believe she had an adverse  
9 experience working -- working under Lindsey at  
10 ESD and she agreed to talk to reporters on  
11 background.

12 Q. Was she one of --

13 A. I don't think anything ever came of  
14 it.

15 Q. Was she one of the complainants, to  
16 your knowledge, that you had whited out?

17 A. I don't -- I don't remember. I think  
18 you have the names of all the complainants, but  
19 I don't believe she was. But she -- she did not  
20 have a good experience working for Lindsey.  
21 People were asking if we had -- besides  
22 paperwork, if we had other people that we can --  
23 we can direct them to. [REDACTED] doesn't work for us  
24 anymore. She's got no reason to not be honest.

25 Q. Was there also a -- a decision to send

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1 out names of people who just had bad experiences  
2 with Lindsey Boylan?

3 A. "Decisions" a strong word. Again,  
4 reporters were asking if there was anybody else  
5 they can talk to about her experience there. I  
6 heard through the grapevine that █ had a bad  
7 experience there. I don't quite know what they  
8 were. I did talk to here. And she said, yeah,  
9 if somebody calls me I'll talk to them on  
10 background. I don't think anybody actually  
11 called her.

12 Q. In your mind, giving the names of just  
13 people who had bad experiences with her, was  
14 necessary to correct the record?

15 A. Correct.

16 Q. Anyone who had any bad experiences  
17 with her?

18 A. I think they can provide color --  
19 color to reporters. Reporters make up their own  
20 decisions. This sort of thing happens every  
21 day.

22 Q. Right. People have bad experiences  
23 with people, that doesn't necessarily rebut the  
24 claim as to why someone leaves, correct?

25 A. It does -- it does provide context,

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1 though, in relation to her -- in relation to her  
2 theory that this was a hostile work environment,  
3 when in fact the documents show that she herself  
4 was -- was accused of bullying and harassment.

5 Q. Did you discuss --

6 A. Just because they weren't the  
7 complainants.

8 Q. Did you discuss the -- providing names  
9 of other people who had bad experiences with her  
10 to reporters, did you discuss that with anyone?

11 A. I'm sure it came up in the  
12 conversation --

13 Q. With Melissa DeRosa?

14 A. -- in the group -- in the group one  
15 that we were having. I think counsels were part  
16 of that conversation too.

17 Q. And the Governor?

18 A. I don't think so. That's -- that's a  
19 pretty small ball.

20 Q. You say -- Steve Cohen asks, "Why  
21 [REDACTED]?"

22 And then you say, "Different [REDACTED]  
23 you're thinking of. She was ESD press  
24 secretary."

25 What [REDACTED] did you think Steve Cohen was

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1 referring to?

2 A. Well, there's [REDACTED] who was the  
3 ST press secretary, and then for many years  
4 there was an [REDACTED] that was on the  
5 second -- that was on the second floor who did  
6 inner gov.

7 Q. And you thought he was probably  
8 thinking of somebody else?

9 A. Steve never met [REDACTED].

10 Q. Can you turn to tab 17?

11 A. One, seven?

12 Q. Yeah.

13 A. Okay.

14 Q. And this is, again, a text chain that  
15 includes Melissa DeRosa, Vlasto, Dani Lever, you  
16 and Rich Bamberger. And if you go three, four  
17 pages in, the one that says "Caruso says he's  
18 still going through documents," that's from you.

19 And then Melissa DeRosa --

20 A. Hold on. I'm sorry, I'm not there  
21 yet.

22 Q. I will go to -- if you look at the  
23 Bates numbers at the bottom, 311 --

24 A. I'm here now, sir.

25 Q. 3119. "Caruso says he will -- he's

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1 still going through documents."

2 And Melissa DeRosa says, "Yeah, but  
3 the deal was he couldn't post."

4 What is -- what is Melissa DeRosa  
5 referring to there, couldn't post?

6 A. I think he said he wouldn't -- I think  
7 he said he wouldn't post his first draft until  
8 he went through the documents and determined  
9 whether or not they were useful to him.

10 Q. He wouldn't post the article?

11 A. Right. And I think subsequently he  
12 posted a version -- he posted a version anyway.  
13 Which, you know, that happens in life.

14 Q. What does that mean? Wait. So when  
15 you say "that happens in life," were you hoping  
16 he wouldn't post or -- or wait or -- oh, I see,  
17 you're saying -- I see. That they'll wait to  
18 review the documents before they post so that  
19 the article has that?

20 A. Right.

21 Q. But he --

22 A. Right. But they were still reviewing  
23 the documents, and then they decided to post  
24 what -- what was the news of the day while he  
25 was still going through them, and he

1 subsequently updated.

2 Q. Got it.

3 A. Sometimes -- you know, sometimes that  
4 happens.

5 Q. Okay. And then tab 8. I know -- I  
6 know we're going a little back and forth, but  
7 so -- "And from some helpful stuff here, I know  
8 he talked to [REDACTED] and [REDACTED]."

9 And -- and then the next text is Times  
10 Union.

11 So it looks like you're reading the  
12 Times Union article post and you're saying  
13 there's some helpful stuff in there, right?

14 A. Uh-huh.

15 Q. And who's [REDACTED] and [REDACTED]?

16 A. [REDACTED] is [REDACTED]. She  
17 used to work for me. And [REDACTED] used to  
18 be -- was our deputy secretary for the  
19 environment, I believe. You know -- yeah. They  
20 both -- funny on this one, I didn't send -- I  
21 didn't send him to them. They told me  
22 subsequently he talked to them.

23 Q. I see. So did -- did you send  
24 reporters to people?

25 A. I didn't -- I didn't send him to -- I

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1 didn't send him to these two.

2 Q. But some others?

3 A. I mean, that day I can't remember. I  
4 think -- I can't think of what I was mostly  
5 doing that day.

6 Q. And what was the reason to send them  
7 to other people? Who were -- who were the  
8 people?

9 A. Reporters were doing -- forget --  
10 forget Lindsey Boylan for a minute. Soon as  
11 that broke, the reporters who, again, were --  
12 who I think were skeptical on its face of her  
13 claim because she refused to talk to them, were  
14 calling anybody who used to work here, who had  
15 Cuomo in their LinkedIn, and starting the first  
16 round of these quote/unquote hostile -- hostile  
17 workplace stories to spring up later.

18 So I know -- I know, you know,  
19 [REDACTED] -- I -- I remain close to both of them.  
20 One works for Scott Stringer, and the other one  
21 works -- is out in [REDACTED] now. And they called  
22 me after the fact and goes, yeah, I got a call  
23 from the Times Union out of nowhere. I talked  
24 to him on background. And he actually talked to  
25 three people on that story, if I remember

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1 correctly. I don't know who the third one is.

2 Q. By the way, putting aside the sexual  
3 harassment allegations, in your experience are  
4 people who say that the -- that it is a hostile  
5 work environment or a difficult work  
6 environment, is there no truth to those claims?

7 A. I think this is -- I think this is a  
8 tough hard-charging place to work. I think the  
9 expectations are -- are very high. I think the  
10 expectations should be high. And it's  
11 fast-paced. The work is not -- the work is not  
12 for everyone. I'm assuming we'll be talking  
13 about this in quite some detail.

14 But I actually -- I actually -- I  
15 actually don't -- I actually don't in my  
16 experience. I've been here nine years. I've  
17 read a lot, and I'm sure you've talked to a lot  
18 of people who didn't last very long here, had  
19 some very strong opinions about the place. I  
20 do -- I do too and, you know, I think -- and I'm  
21 proud of what I've done here. I'm proud of my  
22 accomplishments here, and I'm proud of what  
23 we've done as an administration.

24 Q. Right. I understand that. I  
25 understand. You've -- you've said it many times

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1 publicly, as well as others, and we've seen  
2 actually talking points to that effect. But if  
3 people -- and you're saying people can disagree,  
4 but my question was slightly different.

5 Are people who are describing that  
6 environment as -- as difficult, hostile, toxic,  
7 in your mind are they lying?

8 A. I think there may be a great deal of  
9 embellishment that's -- that -- that's in these  
10 stories, in my opinion.

11 Q. What's -- what's embellishment that  
12 you've seen in the story, putting aside the  
13 sexual harassment, which I understand your  
14 position? But what -- people who have talked  
15 about the work environment, what -- what aspects  
16 of it, in your mind, are embellishments or  
17 untrue?

18 A. I think -- I think the environment  
19 where like everyone screams at each other and  
20 tosses TV off walls and doing all that, I -- I  
21 think that's --

22 Q. Who has said they -- who has said  
23 they -- the TV was tossed at?

24 A. The Times Union. Again, there's a  
25 whole subculture of these stories that sprang --

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1       that sprang up. At a certain level I think -- I  
2       think the reality becomes -- starts to get  
3       mythologized a little bit.

4           Q. Are you aware of an incident where the  
5       Governor threw a computer monitor at Josh  
6       Vlasto?

7           A. I am not.

8           Q. Not aware of that, right?

9           A. I'm not aware of that.

10          Q. And you would have no basis to say if  
11       that happened, whether it was true or not,  
12       right?

13          A. I would think I would have heard about  
14       it, but I wasn't -- I certainly wasn't there and  
15       I certainly didn't hear about it.

16          Q. And then the next page on this, it  
17       says, "Give them the docs," from Josh.

18          A. What page?

19          Q. 226.

20          A. Yup.

21          Q. What -- what do you think he's  
22       referring to there?

23          A. He's referring to the personnel file.

24          Q. Yeah. And if you go to the next page,  
25       you write back, "I don't know if I trust them."

1                   And Vlasto says, "Fair enough."

2                   What did you mean by that?

3                   A.    It ultimately -- it ultimately  
4    wouldn't -- it ultimately wouldn't have mattered  
5    but, you know, he burned -- he burned me before  
6    on stuff I said on the record, off the record,  
7    stuff like that. Subsequently, by the way, he  
8    called me and I ended up providing him the  
9    information because he expressed an interest in  
10   them.

11                  Q.    Why would it matter the providing of  
12   these documents, why would you provide it only  
13   to people you trust?

14                  A.    I think I was mad at -- my point is I  
15   was mad at him over some -- over some other  
16   stuff. Then he talked to me -- then he  
17   called -- then the reporter called and we  
18   talked.

19                  Q.    If you can turn to tab 53 of this same  
20   binder. This is later. It's in March. It  
21   comes up again, and there's -- I think you were  
22   responding to a longer potential story on this.  
23   On the second page, Ajemian asked, Peter Ajemian  
24   asked, "Talked through with Linda, here's a  
25   tweaked version. Beth, will Volforte agree this

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1       is accurate?"

2                          What's that a reference to Volforte,  
3 will they agree it's accurate?

4                          A. I think they're -- I think they're  
5 for -- you know, for fairly obvious reasons I  
6 think this was a New Yorker story. Peter was  
7 flacking this one, I was not. And Volforte is  
8 the head of GOER, and I'm sure he wanted to --  
9 he wanted to make sure the statement from Beth  
10 reflect -- you know, was okay -- was okay with  
11 GOER.

12                         Q. And was he the person that you  
13 understood was consulted with about the release  
14 of the documents relating to Lindsey Boylan?

15                         A. That may -- that may -- that may  
16 result -- that may be the result of a privileged  
17 conversation. I refer to Ed. Happy to answer  
18 it if it's not.

19                         MR. E KIM: Yeah, the short answer,  
20 Rich, is if Joon is asking you a question  
21 and the answer would involve something you  
22 learned from discussions with counsel then  
23 you should avoid talking about it.

24                         THE WITNESS: Okay.

25                         MR. J KIM: Okay. I'm actually at a

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little bit of a natural breaking point, can we take a five-minute break?

3 THE WITNESS: Sure.

4                   MR. E KIM: Yeah. And, Joon, if it's  
5        okay, maybe we can take a slightly longer  
6        one, because the noise situation, we  
7        realize, is due to some construction that's  
8        happening. So we're just going to have to  
9        move conference rooms, so we might have to  
10       redial in and all that. Okay.

11 MR. J KIM: Should we say noon or --

12 MR. E KIM: Yeah, I think that's fine.

13 MR. J KIM: Okay. We'll -- we'll hop  
14 back on at noon then.

15                   THE VIDEOGRAPHER: Stand by to go off  
16 the record. The time is 11:44. We're  
17 going off the record and this will end  
18 media unit number two.

19 (Short recess taken)

20                   THE VIDEOGRAPHER: This meeting is  
21                   being recorded. The time is 11:59 a.m.  
22                   Eastern Standard Time. We are back on the  
23                   record. This will be the start of media  
24                   unit number three. Counsel.

25 O. So if you can turn to tab 19 of that

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1 same binder in front of you, the binder number  
2 two?

3 A. Binder two?

4 Q. Yes.

5 A. Okay.

6 Q. And this is a text chain that includes  
7 you, it's from Melissa DeRosa. And it's the  
8 following today, December 14.

9 A. Uh-huh.

10 Q. And includes you, Linda Lacewell,  
11 Steve Cohen, Richard Bamberger, Dani Lever, Josh  
12 Vlasto. And Melissa writes, "Thoughts?"

13 And then you'll see the second page  
14 she has written out some possible comments,  
15 "Yes, I heard about the tweet, about comments  
16 supposedly made, and there's just no truth to  
17 it. Or yes, I heard about the tweet and there's  
18 just no truth to it. Did you comment on her  
19 appearance? There's just no truth to the  
20 tweets. I support women having the opportunity  
21 to speak out. I believe in transparency, but  
22 there was nothing inappropriate that happened."

23 And you write, "Yes."

24 What's your understanding of what this  
25 exchange was and what it is -- what's written

1 out here?

2 A. My recollections was this was either  
3 the morning of or the night before the  
4 Governor's first public appearance following  
5 that -- following that Sunday, and I think  
6 we're -- I think, you know, we're a -- we're a  
7 workshop in training.

8 Q. You're preparing for questions you  
9 might get on it?

10 A. Uh-huh.

11 Q. And something like this, what's your  
12 understanding of -- does Melissa -- is it common  
13 for Melissa to draft it, something like that,  
14 and share it with you and people to comment  
15 or --

16 A. Sorry.

17 Q. Go ahead.

18 A. What was the end of that statement,  
19 the people --

20 Q. Or does it depend?

21 A. I think it depends. I think in this  
22 case, my vague recollection is of there was  
23 definitely conversations with the group before  
24 this about what he -- what she said. And this  
25 might be a distillation of everything that was

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1       said. It was certainly reflective of how I  
2       thought he should answer -- answer these  
3       questions, especially with so little  
4       information.

5           Q. And before drafting something like  
6       this, would Melissa DeRosa have discussed it  
7       with the Governor?

8           A. I don't know if it's before -- I don't  
9       know if it's before or after.

10          Q. But at some point -- right, because  
11       he's going to deliver it. These are notes for  
12       him?

13          A. Yeah, at some point.

14          Q. And then if you go further, there's --  
15       there's a few more exchanges about it. Dani  
16       Lever said, "I'd do the second," if you're -- if  
17       you go to page 2531. "The first gives her too  
18       much room to define inappropriate."

19           Do you know what that means?

20          A. No, but I think we're just work --  
21       we're just work shopping a statement in order to  
22       make it as clear and concise and direct as  
23       possible.

24          Q. Then if you go to 2536, a few pages  
25       later, Linda Lacewell writes, "Does he get away

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1       with not answering if he commented on her  
2       appearance?"   Was there --

3           A.     Okay.

4           Q.     Was there any discussion about whether  
5       the Governor had in fact commented on her  
6       appearance or not?

7           A.     No.

8           Q.     To your -- sorry, go ahead.

9           A.     Not with me, sorry.

10          Q.     Not with you?

11          A.     Not with me.

12          Q.     In your experience -- in your  
13       experience, have you seen the Governor comment  
14       on people's appearances?

15          A.     I really haven't.   Read a lot of  
16       stories about it, but I really haven't in my own  
17       personal view.

18          Q.     Okay.   Including women, you haven't  
19       heard him comment on women's appearances?

20          A.     No.   Sorry, I shook my head.   I should  
21       have answered affirmatively.   No.

22          Q.     Okay.   And in the next -- the last on  
23       this -- in this tab, Steve Cohen says, "I think  
24       going down that path doesn't end cleanly.   No  
25       doesn't make sense.   Yes invites another

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1 question and sounds funky. And that often  
2 comment seems similarly weird. The problem is  
3 LB doesn't mean what she says. She -- she must  
4 mean he made a comment that was an inappropriate  
5 sexual innuendo. To that the answer's a strong  
6 didn't happen. But you're forced to unpack it  
7 to get to the directed no."

8                   Do you remember that exchange?

9                   A. I don't, but Steve -- Steve's a lawyer  
10 who certainly gets down to it.

11                  Q. Yup. So you don't remember there  
12 being a -- an understanding in the group that he  
13 may have commented on her appearance but just  
14 not in a inappropriate way?

15                  A. That's -- that's not my understanding.  
16 Is it possible, sure, but that's not my  
17 understanding.

18                  Q. Okay. That's sort of the implication  
19 of this comment in the sense that you can't just  
20 say no, if you commented on her appearance. And  
21 then you have to drill down and then it gets, as  
22 he said, funky?

23                  A. But I think -- I think ultimately it  
24 goes down to what -- I mean, I hate interpreting  
25 what other people say, especially --

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1 especially -- especially an attorney, but I  
2 think Steve's ultimate solution was obviously  
3 she -- obviously she meant this and the answer  
4 is no.

5 Q. Okay. Can you go to tab 22.

6 A. Okay.

7 Q. This is December 15, Tuesday. "Times  
8 Union is calling around," you write, "to former  
9 staffers trying to feel out if Boylan is telling  
10 the truth or is full of it. So far it sounds  
11 like the latter. Might as well feed them our  
12 people."

13 A. Yes.

14 Q. Do you remember -- what do you  
15 remember about that Time, like learning that  
16 Times Union is reaching out to former staffers?

17 A. They were calling around, and again,  
18 this is -- this was a repeat of my life for  
19 several months. They were calling around to  
20 former staffers after Lindsey -- after Lindsey  
21 did her -- did her tweet looking at hostile  
22 workplace and if they could find somebody else  
23 that had a sexual harassment thing. The Times  
24 Union informed me that they found nobody else --  
25 nobody else in the latter. Some people that

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1 have had -- that said they had adverse  
2 experiences here.

3 My point is this, there -- you know,  
4 we've been around more than ten years. There's  
5 a lot of people coming out of the shop. Most of  
6 the people I know end up having pretty good  
7 experience -- end up having pretty good  
8 experiences, some people -- some people did not.  
9 And those people -- and the latter category was  
10 having the loudest voice.

11 I have former coworkers call me up and  
12 say, this is garbage, this is stupid, yeah, this  
13 is hard work, but like it's not -- it's not  
14 abusive like they said it's abusive, you know.  
15 And I say, oh, you know, would you be willing to  
16 talk to somebody -- somebody about it? They  
17 said sure, and for those ones -- for those ones,  
18 I may have sent them over to Ed. I think I sent  
19 over quite a few people. They ended up not  
20 doing the story until -- yeah, they -- I'm  
21 sorry. Yeah, they -- they ended up not doing --  
22 I don't think they ended up doing a story about  
23 this until much, much later.

24 I was trying to figure out where --  
25 where this fell into the timeline, that was the

1 reason for my pause, Counselor.

2 Q. So some people are reaching out to you  
3 saying I'm getting calls. There are people who  
4 are -- who had good experiences, there are  
5 people who had bad. So the thinking is let's  
6 even out the -- the voice and let's give some  
7 names of people who had better experiences or  
8 you think had better experiences. Is that fair?

9 A. That's fair. I think in this category  
10 there's also the people -- there's also a  
11 category of people who are calling me saying,  
12 I -- who hadn't been called, that said I can't  
13 believe I'm reading this stuff. How can I help?

14 Q. And so did you come up or did you or  
15 anyone else come with a list of people to reach  
16 out to, at this time?

17 A. A list? Not really. I talked to my  
18 own network. I think I talked to [REDACTED].  
19 I sent her -- sent her somebody's way.

20 Q. Is she someone that you thought was --  
21 had a positive experience?

22 A. She's like -- she's a very  
23 accomplished person who was our operations --  
24 who was our operations director who has been  
25 working in politics for a really long time.

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1 And, yeah, she called me up and just  
2 expressed -- expressed like how -- how crazy  
3 this all was to her.

4 Q. The next page, it says [REDACTED] and [REDACTED].  
5 Who's [REDACTED]?

6 A. I don't know, but I don't think it's  
7 the [REDACTED] you think it is.

8 Q. Who do I think it is?

9 A. I think you think it might be Ana  
10 Liss, the --

11 Q. No, I actually don't. Okay. I  
12 assumed you -- I assumed you would not send it  
13 my way but, you know.

14 A. Yeah, yeah. I don't know. Who said  
15 that? Bamberger? Yeah, I don't -- I don't know  
16 who that is.

17 Q. You don't which [REDACTED] that is?

18 A. I don't.

19 Q. And then the next one Melissa DeRosa  
20 says, "Call [REDACTED]."

21 A. I believe she meant [REDACTED] with a [REDACTED],  
22 same [REDACTED].

23 Q. I see. Same [REDACTED].

24 And it says -- he asks, "Who are we  
25 having to call?" And you give Ed McKinley's

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1 contact info.

2 A. Uh-huh.

3 Q. And then you say, "Rich Bamberger says  
4 okay." And you write at the end, "And the  
5 stance should be, I hear you're calling around.  
6 I've been sick about this all week. She's a  
7 nightmare, et cetera."

8 A. Yup.

9 Q. And "she's a nightmare," who's "she" a  
10 reference to?

11 A. That would be Lindsey Boylan.

12 Q. Is it -- was this the kind of stance  
13 that you were providing to the people that might  
14 get called?

15 A. These are -- these are what I was  
16 hearing from them, not the other way around.

17 Q. You're saying -- you're saying you  
18 heard this from some people --

19 A. Uh-huh.

20 Q. -- that she's a nightmare?

21 A. Uh-huh.

22 Q. Okay. Who said that to you?

23 A. [REDACTED], who again was one of --  
24 who now that I'm remembering was one of the  
25 complainants. [REDACTED] I believe was one of

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1 the complainants. I believe [REDACTED] who I was  
2 talking to during the time said that. She was  
3 also -- she was also sick so I wasn't going  
4 to -- I wasn't going to put her in to it.

5 Q. But this is you giving these other  
6 folks who were going to reach out to people  
7 talking points, so to speak?

8 A. Not talking points, an -- an  
9 explanation about why -- about why they're  
10 calling them, why they're calling him.

11 Q. Anyone else you remember reaching out  
12 to other than these folks?

13 A. If they'd be willing -- if they'd be  
14 willing to talk on background about their  
15 experiences here, that category?

16 Q. Yeah. Or -- or in this time period  
17 getting them to reach out.

18 A. Again, I talked to [REDACTED] -- subsequent  
19 to them being called by the Times Union, I  
20 talked to [REDACTED], I talked to [REDACTED]. I  
21 talked to [REDACTED], who is a former press  
22 secretary. I talked to [REDACTED] as a former  
23 coms director. You know, I -- we -- a lot of us  
24 talk -- a lot of us talk to each other, I  
25 mean ...

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1           Q.     How about -- you said that it's not  
2     the Ana that I'm thinking of, but did you -- did  
3     you reach out to Ana Liss?

4           A.     During this -- during this time? This  
5     is in -- this is in a -- different -- different  
6     issue, different issue.

7           Q.     Okay. What's the issue that you  
8     reached out to her on?

9           A.     Subsequently to Lindsey's story and  
10    then her refusal -- and then her refusal to talk  
11    to reporters about any specifics, we got -- we  
12    started getting calls from former staffers  
13    saying that -- you had the media calling, that  
14    was -- that was all happening, but you were  
15    also -- but also she was contacted directly  
16    via -- via LinkedIn, and she was also talking to  
17    people -- she was also talking to -- she also  
18    seemed to have retained a law firm that was  
19    sending very similar theme messages to people on  
20    LinkedIn, people who she never worked with.  
21    People -- I think people who just had Cuomo in  
22    their -- in their bio.

23           Q.     How did you learn that, that she was  
24    reaching out?

25           A.     They -- people started -- I -- we

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1       started getting texts from -- we started getting  
2       calls from people, including like an intern who  
3       worked with us nine years ago, and they're all  
4       like, what is this.

5           Q.     Uh-huh. And so what did you -- what  
6       did you do to when you heard that?

7           A.     We believed it -- we believed it to be  
8       political. We believed that -- that she -- that  
9       she was trying to call around to find -- to find  
10      other disgruntled staffers to embellish and to  
11      potentially lie about their experience here. So  
12      we kind of -- so we did what we normally do, we  
13      called our networks to see what's going on.

14          Q.     Did you -- you say you thought she was  
15      telling people to potentially lie about their  
16      experience. Did anyone who reached out to you  
17      say that Lindsey Boylan asked them to lie?

18          A.     Again, we thought this was a -- we  
19      thought this was a -- we though this was  
20      political, we believed this was political, that  
21      she was trying -- that she was trying to use  
22      this to help her run for office. That --  
23      that -- and that was informed by her other  
24      continually escalating behavior before this  
25      time. So we -- and yeah, we're trying to see if

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1 people called and what she said, if she -- if  
2 she called.

3 Q. Okay. Let me ask the question again.  
4 Did anyone that called you tell you that Lindsey  
5 Boylan had asked them to lie?

6 A. I don't believe anybody who called us  
7 ever called her back.

8 Q. Okay. Did anyone ever tell that you  
9 Lindsey Boylan had asked them to lie?

10 A. Anybody -- anybody who Lindsey  
11 contacted -- Lindsey contacted who subsequently  
12 went public I don't think they talked to us.

13 Q. Okay. So did you ever hear from  
14 anyone that Lindsey Boylan had asked them to  
15 lie?

16 A. No, but that was the belief at the  
17 time.

18 Q. Okay. So that belief at the time, and  
19 you've -- you've answered twice with my earlier  
20 questions, was that it was a -- political,  
21 correct?

22 A. Correct.

23 Q. Okay. It was escalating?

24 A. Correct.

25 Q. Okay. And then you added, and so she

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1 was trying to see if people -- call people to  
2 tell them to lie. Trying to understand where  
3 you get that last piece.

4 A. That was the belief that she was  
5 trying to call people to orchestrate people  
6 going public about their -- about their  
7 experiences here and embellishing their  
8 experiences and possibly lying. That's what we  
9 believed she was up to.

10 Q. Why did you believe that?

11 A. That seemed to be consistent with  
12 their behavior. She was lying about her  
13 experiences here. I think she was trying to get  
14 others -- others to verify her cause.

15 Q. Okay. She was lying about being  
16 sexually harassed, that was your view?

17 A. She lied about -- she lied about the  
18 circumstances of how she left. She lied  
19 about -- she lied about me on Twitter. She  
20 bullied and threatened my coworkers over text  
21 message. This was -- this was -- this was  
22 escalating increasingly combative behavior.

23 Q. What was her lie about you on Twitter?

24 A. She said I was berated -- she said I  
25 was berated by the Governor in front of her. I

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1 have no memory of that. That was a coward or  
2 something. I'm not afraid of Andrew Cuomo.

3 Q. He's never berated you?

4 A. We've had tough conversations before,  
5 but we're big -- we're big boys, and I can't  
6 remember having that in front of other people.

7 Q. I'm not asking whether you're a big  
8 boy or not. I know -- I understand your desire  
9 to answer my questions in the way you want them  
10 to. I'm just trying to get answers to my  
11 questions, okay?

12 A. All right. Let me take a breath.

13 Q. I fully understand the message you're  
14 trying to deliver. It's been delivered. Just  
15 if you can answer the questions.

16 A. Okay.

17 Q. Has Andrew Cuomo ever berated you?

18 A. Never berated me? He's yelled at me.  
19 I've yelled back at him, but it was fine.

20 Q. Okay. Has he ever thrown anything at  
21 you?

22 A. Has not.

23 Q. Has he thrown fruit at you?

24 A. I want to ask what type of fruit, but  
25 no, the answer is no.

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1           Q.    Okay.  How about when a head shot of  
2 his that was outdated was provided to the press,  
3 do you remember him throwing something at you,  
4 with other people present?

5           A.    No.  No.

6           Q.    Apricots.  Throwing apricots at you.  
7 Dried apricots.

8           A.    Are you serious?

9           Q.    Just asking you a question.

10          A.    I understand, but --

11          Q.    The answer can be no, if it's  
12 truthful.

13          A.    I think I'd remember that.  The answer  
14 is no.

15          Q.    Okay.  And so you were -- a decision  
16 was made at one point to reach to people who  
17 might get contacted by her?

18          A.    Yeah.

19          Q.    Who made that decision?

20          A.    You know, we all did.  We're all  
21 sitting around, our phones start all going off,  
22 started getting crazy.  So we all said, hey,  
23 let's call around, see -- see how -- see how far  
24 this is going, see if she's reaching.

25          Q.    Okay.  And when was this,

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1 approximately?

2 A. Within the -- within the week of that  
3 story.

4 Q. This is now in February or -- or in  
5 December?

6 A. No, this -- this is December.

7 Q. December.

8 A. This was before her Medium post --

9 Q. Okay.

10 A. -- back when nobody -- nobody knew  
11 what -- what -- what the allegations possibly  
12 were.

13 Q. Okay. And in that context who did you  
14 reach out to?

15 A. You know, it was in that -- it was in  
16 that same ballpark. I reached out to [REDACTED], I  
17 reached out to [REDACTED], I reached out to -- I  
18 reached out to [REDACTED], I reached out to [REDACTED]  
19 [REDACTED]. I probably reached out to a couple other  
20 people. And yeah, Ana was on the -- kind of the  
21 outer circle but going through my phone I gave  
22 her a call.

23 Q. Ana Liss?

24 A. Yeah.

25 Q. And what did -- what did she say?

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1           A. You know, I talked to her. I thought  
2 it was a friendly conversation. I know  
3 subsequently she thinks otherwise, and I -- that  
4 was never the intent. I called her and I --  
5 and, you know, [REDACTED]. So I  
6 said oh, hey, you know, I won't keep you long.  
7 I -- I said, hey, have you seen this stuff with  
8 Lindsey Boylan?

9           And she's like, yeah, I saw something  
10 about that.

11           And I said -- I said -- I said,  
12 awkward question, but like have you been  
13 contacted by -- have you been contacted by her?  
14 She's reaching out to all sorts of -- she's  
15 reaching out to anybody that had Cuomo in their  
16 biography. And we're just kind of curious like,  
17 you know, if she went far back. You've been  
18 here a while. Had she reached out to you.

19           And she said, no, of course not.  
20 And -- and she actually said to me that she's  
21 got -- she's got no complaints about her time  
22 here, which is what she said.

23           I said, okay.

24           And then, you know, talked about her  
25 [REDACTED], asked about her -- asked about her

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1 [REDACTED], asked her what she's doing now. I knew  
2 she was doing something in Rochester, and she  
3 said she worked for Monroe County doing that  
4 kind of development.

5 I said -- I said, that's great.  
6 Our -- our regional rep out there is a guy named  
7 [REDACTED], very good, very attentive. But  
8 I said, hey, if you can't get him sometime, keep  
9 my number, if you need -- if you need something  
10 in this direction.

11 And we said good bye. I didn't think  
12 anything of it until I got -- until I started  
13 getting media requests a couple weeks later.

14 Q. What kind of media requests did you  
15 get?

16 A. First it was Jimmy Vielkind came  
17 out -- first Jimmy Vielkind came out and she --  
18 with her story, you know, which was, you know,  
19 surprising given what she said to me on the  
20 phone call. But people have a right to change  
21 their minds or, you know, reinterpret stuff, I  
22 guess.

23 I think Jimmy knew about my call but  
24 didn't -- didn't use it for whatever, and then  
25 he -- and then I got -- and then she went to

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1 local media and mentioned the call. I started  
2 getting calls from our local media. I think  
3 eventually Jimmy called -- Jimmy called me to  
4 incorporate to another story.

5 Q. Okay. What did they say?

6 A. They said she -- they said, as I'm  
7 sure you read, they felt like the call was an  
8 effort to intimidate. That certainly wasn't my  
9 intent. It was one -- it was one of -- one of  
10 several calls I made on this and one of a  
11 hundred calls I probably made that week on any  
12 number of issues.

13 Q. Do you have any understanding why a  
14 staffer receiving a call from you or anyone else  
15 who were considered part of the inner circle  
16 would feel that it was either an effort to  
17 intimidate or deliver a message or to check in  
18 is that -- do you not understand that potential  
19 reaction at all?

20 A. I mean, listen, what she came -- what  
21 her allegations were subsequently, I had no  
22 contemporaneous knowledge of, number one.  
23 Number two -- number two, I wouldn't call us  
24 friends. We were friendly. [REDACTED]

25 [REDACTED]

And that

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1   certainly wasn't the intent and that certainly  
2   wasn't anything to go through my mind.

3                 I mean, I thought our relationship --  
4   I thought our relationship, when she worked  
5   here, was friendly, you know, and -- you know, I  
6   certainly say tough stuff in the press sometimes  
7   but like that's not my role here.

8                 Q.   Do you think people who have worked in  
9   the executive chamber have an understanding of  
10   what happens and can happen to people who  
11   disagree or say things that undermine the  
12   executive chamber?

13                A.   I think that -- I think that's a  
14   very -- I think that's a very tired trope  
15   associated with this administration.

16                Q.   You think it's not true at all?

17                A.   I think -- I think it's -- I think  
18   it's -- I think it's a little -- I think it's a  
19   little -- and I'm not saying you're saying this,  
20   but I think it's a little insulting to -- to do  
21   that.  We're all hard -- we're all hardworking  
22   people.

23                Q.   Not trying to insult you, just asking  
24   you a question.  The answer can be no.  Do you  
25   have any -- let me -- let me repeat the

1 question.

2                   Do you think people who have worked at  
3 the executive chamber have an understanding,  
4 based on their experience, of how people who say  
5 things that are negative about the Governor or  
6 the executive chamber get treated, do you think  
7 people gain an understanding of that while  
8 they're in the executive chamber?

9                   Pretty simple. I'm not trying to be  
10 insulting. Surprised that you find my question  
11 to be insulting, but I'll ask it nonetheless.

12                  A. I think --

13                  Q. -- understanding or not. The answer  
14 can be no, that they don't have gained an  
15 understanding. Just a question.

16                  A. Counselor, the answer is no, but if  
17 they do, they shouldn't.

18                  Q. The answer's no, that they don't gain  
19 an understanding one way or the other?

20                  A. I don't think -- I don't -- that's not  
21 my case certainly.

22                  Q. No. I'm -- let me ask you the  
23 question again: Based on your experience --  
24 okay. If you can just -- I'm trying to keep  
25 this -- question pretty simple.

1               Based our experience, the people in  
2 the executive chamber who work there gain an  
3 understanding, one way or the other, about how  
4 people who say things that might not be  
5 beneficial to the executive chamber or the  
6 Governor get treated, do they gain an  
7 understanding of that?

8               A. No.

9               Q. They don't? They don't --

10              A. You ask it again?

11              Q. Do people who worked at the executive  
12 chamber gain an understanding of how people who  
13 say things that are negative about the executive  
14 chamber or the Governor are treated?

15              A. No.

16              Q. We assume people gain an understanding  
17 of that?

18              A. No.

19              Q. They don't. Why not?

20              A. You asked -- you asked -- you asked my  
21 opinion, and you asked my opinion, which is  
22 informed by my experience, and the answer is no.

23              Q. It wasn't an opinion. It was asking  
24 you whether people gain an understanding. You  
25 say no. So why is it that they don't get an

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1 understanding? Is it that -- are they not  
2 allowed to read statements made about people who  
3 cross the executive chamber?

4 A. I think you're conflating -- I think  
5 you're conflating --

6 Q. No. If you can't -- if you don't  
7 understand the question you can tell me that,  
8 I'll rephrase.

9 A. I'm trying to answer --

10 Q. My question is, first: Do people of  
11 the executive chamber, do they have -- do they  
12 gain an understanding of how people are treated  
13 if they cross the Governor or the executive  
14 chamber? Yes or no. You said no, that's what  
15 I'm following up. So I'm trying to follow up on  
16 no, which means no, they don't gain an  
17 understanding, in your view. I'm trying to  
18 follow up on that.

19 A. I believe --

20 Q. How does someone not gain an  
21 understanding? Maybe they don't -- they're not  
22 allowed access to statements made by you or  
23 others, because otherwise they must gain an  
24 understanding one way or the other, unless  
25 they're not allowed to. That's what I'm trying

1 to understand.

2 MR. E KIM: Yeah, Joon, I don't -- I  
3 don't know if what we're getting hung up on  
4 here is that Rich is focused on a different  
5 part of the question, about how people are  
6 treated. I'm not sure if that's the date.

7 MR. J KIM: They can be treated well.  
8 They may have an understanding they'd get  
9 treated well. That's still an  
10 understanding.

11 A. I honestly don't understand the  
12 question.

13 Q. You don't understand the question  
14 whether people in the executive chamber have an  
15 ability to assess how -- how people who cross  
16 the executive chamber are treated? You don't  
17 understand that question?

18 A. I don't understand that question.

19 Q. What about that question don't you  
20 understand, which word?

21 A. You're asking me -- you're asking me  
22 if -- if people -- you're asking me to -- you're  
23 asking me to -- you're asking me to opine on  
24 what other people think --

25 Q. No, I'm not.

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1           A. -- and I just don't get the question.

2           Q. I'm asking you, based on your  
3 observations, whether people who work there have  
4 the ability to assess the treatment. And then  
5 we can talk about your opinion, you can refuse  
6 to answer that. But the question is simply does  
7 someone have the ability, and you say no,  
8 that's --

9           A. Does someone have the ability --

10          Q. I don't understand --

11          A. -- the ability to make an observation?

12           MR. E KIM: So yeah, the question  
13 that's pending is, do people who work in  
14 the chamber have the ability to -- to  
15 assess the treatment of -- of people who  
16 disagree with the administration.

17           THE WITNESS: Well, that implies  
18 people who work here have basic cognitive  
19 skills, so sure.

20 BY MR. J KIM

21          Q. Thank you. That was the question.  
22 Okay. Now you can refuse to answer the rest if  
23 you want.

24          A. I'm glad -- I'm glad we got here, sir.  
25 What's the second question?

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1           Q.    Okay.  So -- and would it surprise you  
2 to learn that some people who worked at the  
3 executive chamber have developed a view that if  
4 you cross the executive chamber or the Governor  
5 that you're not treated well?  Does that --  
6 would that --

7           A.    I mean -- I mean, I don't know what  
8 treated -- what treated well, doesn't treat --  
9 doesn't treat well means.  I do know there have  
10 been rumors about this administration and it --  
11 and it -- and it being vindictive that go -- go  
12 back years.  That has not been my experience --  
13 that has not been my experience here, okay.

14          Q.    Is -- is it your assessment that  
15 the -- the response of Lindsey Boylan has not  
16 been vindictive in any way?

17          A.    I believe -- I believe her behavior  
18 towards us has been harassing and abusive and  
19 has -- and it's also involved demonstrably  
20 disproven lies, and we had to correct the  
21 record.

22          Q.    Okay.  So --

23          A.    So no.

24          Q.    -- you've been asked -- the simple  
25 question is:  Do you believe -- I -- I

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1 understand your desire to say what you want to  
2 say, I get that that's part of your job, but  
3 this is actually an under oath testimony where  
4 you honestly have to try to provide the truthful  
5 answers, not whatever you want to tell me. Like  
6 we get it, but, you know, I don't want to keep  
7 having this debate because it's just going to  
8 make this longer.

9 I understand what you want to say on  
10 the record. Just trying to get truthful answers  
11 to the questions. And that question simply is:  
12 Do you believe that your treatment of Lindsey  
13 Boylan is in any way vindictive, yes or no?

14 A. No.

15 Q. Okay. And in your experience, you  
16 have not observed any conduct of -- coming out  
17 of the executive chamber that could be perceived  
18 as vindictive?

19 A. My experience, my opinion, no.

20 Q. Not a continuing single thing?

21 A. Nothing that comes to mind.

22 Q. And if anyone were to believe that and  
23 think that the executive chamber has, on  
24 occasion, been vindictive, they would just be  
25 wrong, in your view?

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1 A. I would say so.

2 Q. Okay. Did -- do you know [REDACTED]

3 [REDACTED] is?

4 A. Yeah.

5 Q. Did she reach out to you?

6 A. She may have.

7 Q. Okay. And what did -- do you remember  
8 talking to her in February of this year?

9 A. Not really.

10 Q. How about [REDACTED]?

11 A. I don't know if I know her.

12 Q. How about [REDACTED]?

13 A. I've talked to [REDACTED]. I can't  
14 remember about this, but I know -- I know [REDACTED].

15 Q. Have you spoken to her about Lindsey  
16 Boylan allegations?

17 A. I can't -- I can't remember. It's  
18 possible.

19 Q. How about [REDACTED]?

20 A. Yes.

21 Q. Okay. How did that come about?

22 A. She called me, I believe.

23 Q. What did she say?

24 A. She said she was contacted by Lindsey.

25 She thought all the stuff was crazy. And I

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1       asked -- I asked if -- she's one of the people I  
2       asked if she talked -- if she talked to people  
3       on background. And I can't remember -- I can't  
4       remember what happened after that.

5           Q.     Did you -- did there come a time when  
6       you were involved in any discussions about a  
7       letter that potentially could be drafted and  
8       sent from former members of the executive  
9       chamber?

10          A.    Is this the letter was later published  
11       in the New York Times?

12          Q.     I'm just asking generally first, any  
13       discussions about any letter.

14          A.    I want to be specific, though. Is  
15       this the letter in the New York Times?

16          Q.     I don't know what discussions you were  
17       part of, whether -- and whether it ended up  
18       being in the New York Times or not.

19          A.    And the letter was about what?

20          Q.     Letter responding -- well, I -- I'm  
21       trying to get a truthful answer. If you have --  
22       any letter, have you been a part of any  
23       discussions about drafting of any letter  
24       involving the executive chamber or the Governor?

25          A.    I've been -- very wide question.

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1           Q.     In the last year.

2           A.     That's also a very -- that's a very  
3 wide question.

4           Q.     How many letters? What letters?

5           A.     I was involved in drafting many  
6 letters that were released to the press on a  
7 variety of issues.

8           Q.     Okay. What do you remember?

9           A.     Letters to Congress, letters resolving  
10 the salt cap, letters for pandemic aid. Again,  
11 that's -- I -- I don't think that's what you're  
12 really asking me, so can you ask the question  
13 again?

14          Q.     I'm trying to get to it. I want to  
15 make sure I'm not missing anything. So you  
16 just -- if you can just answer the questions,  
17 and that was an answer to the question, not  
18 trying to predict where I'm going.

19          So, many subjects, correct?

20          A.     Yes.

21          Q.     Okay. Did any -- how about any  
22 relating to -- in any way, to the sexual  
23 harassment allegations against the Governor,  
24 either in terms of timing or subject matter, as  
25 a response to allegations in the -- in the

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1 broadest sense possible, any letters that were  
2 being discussed in connection with sexual  
3 harassment allegations being made?

4 A. Yes.

5 Q. What -- what discussions did you have?

6 A. I worked with Linda on a draft of a  
7 letter from -- from staff about their positive  
8 experiences here. Seeing if there was  
9 something -- which is, you know, something that  
10 has been done. We worked together to see if  
11 there's some language that worked that was --  
12 that -- that would have been remotely  
13 interesting. Turned out it wasn't. You know,  
14 we -- we tried, we looked at it. I don't think  
15 it ever went anywhere.

16 Q. Okay. So when was this?

17 A. December, January around there.

18 Q. Okay. And who's idea was it to draft  
19 the letter?

20 A. I don't know. I think we talked -- I  
21 think we talked about what it would look like  
22 in -- in a group. I worked on it with Linda.  
23 We did a draft.

24 Q. What group talked about it?

25 A. I think it was me. I think it was me,

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1 I think it was Melissa, I think it was Dani. I  
2 think it was sort of the same group.

3 Q. And what was the substance of that  
4 letter?

5 MR. E KIM: And -- of the letter or  
6 the -- I just want to steer around the  
7 discussion where counsel was present.

8 MR. J KIM: The letter. The letter.

9 MR. E KIM: Okay.

10 A. The letter -- the letter was about --  
11 was about the experience working in the  
12 executive chamber. It was a -- I would deem it  
13 a positive -- a positive letter that talked  
14 about -- talked about the work we've done, how  
15 support -- how supportive they -- they were --  
16 you know, even though they left how supportive  
17 they were still of our efforts. Like I said we  
18 played around with some language and just, you  
19 know, it ended up not being worth it.

20 Q. And why not? Why -- why did it end up  
21 not being worth it?

22 A. Stuff died down by then, you know, for  
23 a -- for a little while, for a little while  
24 that, you know, we still were -- you know, in  
25 the middle of all this we're still fighting a

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1 second wave of the pandemic. You know, a couple  
2 news -- couple news cycles went by, just let it  
3 go.

4 Q. Did you share a draft of the letter  
5 with anyone?

6 A. I don't know.

7 Q. You don't know if you shared it with  
8 anybody?

9 A. Yeah, I don't know.

10 Q. Do you have a draft?

11 A. I don't think I do. I think I did  
12 some line edits -- I think I did some line edits  
13 with her.

14 Q. When you say you drafted a letter,  
15 were you literally physically with her when you  
16 drafted it or were you --

17 A. I was physically editing -- I was  
18 physically editing some copy.

19 Q. I see. And you were physically  
20 together in the office --

21 A. Uh-huh.

22 Q. -- typing something up?

23 A. Uh-huh.

24 Q. And -- but you decided not to send it  
25 around?

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1           A. I don't know what happened with it. I  
2 left it with her.

3           Q. Do you know if there's any other --  
4 was there any discussions of any other letters,  
5 whether you were part -- part of them or not?

6           A. Well, this is -- this is what I was  
7 trying to get to. I am aware of another letter  
8 that hit the press. I was not involved -- I was  
9 not involved in discussions of that letter or in  
10 the drafting of that letter.

11          Q. And what -- when did you learn about  
12 that other letter?

13          A. When the New York -- when the New York  
14 Times called me.

15          Q. What did they say?

16          A. They sent me -- well, they called.  
17 They sent me and Peter an E-mail describing the  
18 substance of the letter, which previously I had  
19 not recalled seeing. While preparing for  
20 this -- for this testimony I subsequently did  
21 discover an E-mail or a version of that letter  
22 was sent to me, but I have no recollection of  
23 it. I didn't -- I don't even -- I don't  
24 remember receiving the E-mail, and I -- I don't  
25 remember anything about it.

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1           Q.   And so -- and this letter, what was  
2       the substance of this letter?

3           A.   It was responding to Lindsey.

4           Q.   And it included -- it discussed  
5       Lindsey Boylan, correct?

6           A.   Yes.

7           Q.   In addition to saying --

8           A.   The letter --

9           Q.   -- things about the Governor?

10          A.   Yeah, it was not the letter -- this  
11       was not the letter I was working on.

12          Q.   The letter you were working on did not  
13       describe Lindsey Boylan?

14          A.   Correct.

15          Q.   Or discuss Lindsey Boylan?

16          A.   Correct.

17          Q.   And do you know if your -- the letter  
18       you were working on was before or after the --

19          A.   I honestly don't know. I honestly  
20       don't know. Again, I worked on that one  
21       December/January, and then this -- I don't know  
22       what timeline this other letter was. Again,  
23       I -- again, I wasn't involved in the drafting of  
24       it.

25          Q.   Okay. If you can turn to a tab 14 in

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1       your binder, binder one, sorry. You may have  
2       been -- you may be on binder two.

3                    MR. E KIM: Binder one, Rich.

4                    A.    Yup.

5                    Q.    Do you see this --

6                    A.    I do.

7                    Q.    Okay. So Linda Lacewell sends it to  
8       you on December 16, and if you can -- you can  
9       flip through the letter and take a look.

10                  A.    Yup, I'm familiar with this E-mail.

11                  Q.    Which letter is -- which letter is  
12      this one, between the two we've been talking  
13      about?

14                  A.    This is not the letter -- this is not  
15      the letter I was working with on with Linda.

16                  Q.    Okay. And by the way, the -- the copy  
17      of the letter you were working on with Linda,  
18      have you looked for it in response to our  
19      subpoena?

20                  A.    Whatever is -- whatever is in there  
21      my -- my counsel has extracted. I have not  
22      looked for any documents. My counsels -- my  
23      counsels were -- my counsels did.

24                  Q.    Where would the draft of the letter  
25      be?

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1           A.    Like I said, I left it with Linda.

2           Q.    Like physically left it like in a hard  
3 copy?

4           A.    Uh-huh.

5           Q.    And where did you work on it? On your  
6 work computer?

7           A.    In her office, in her office.

8           Q.    On which computer?

9           A.    Hers.

10          Q.    So you were sitting in her office.

11          Were you physically typing or --

12          A.    I was scribbling and line editing with  
13 a pen.

14          Q.    I see. She had a hard copy?

15          A.    Yeah.

16          Q.    She was working on her computer?

17          A.    I believe so.

18          Q.    And that's the last time you saw it?

19          A.    That's the last time I saw it.

20          Q.    And what was the general -- what you  
21 remember about the substance of that letter?

22          A.    A general substance, the general  
23 substance of that letter was a positive  
24 experience -- it didn't mention Lindsey. It was  
25 about the positive -- it was about a positive,

1 inclusive experience of working here.  
2 Accomplishments that we did, the -- you know,  
3 the support -- the support that we feel. The  
4 fact that we're -- the fact that many of us  
5 still keep in touch and still consider each  
6 other family, something along those lines.

7                  Like I said, we played around, that  
8 language and that sentiment, it's just, you  
9 know -- I don't know what I'd gain to send it  
10 out and have people sign it. I don't know what  
11 the value was.

12                Q. So this letter, you received it  
13 obviously, but you don't remember anything else  
14 about this letter?

15                A. I have no -- I have no recollection of  
16 either -- of either seeing this or hearing about  
17 it. I certainly didn't work on it.

18                Q. Okay.

19                A. That was -- I'm sorry, you go.

20                Q. Does look like you received it?

21                A. I did. I -- apparently I did, but I  
22 have no recollection of it.

23                Q. And even in reading it it doesn't jog  
24 your memory?

25                A. It really doesn't. I don't know if I

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1 ever saw it. I mean, during this -- during this  
2 entire time period I get inundated with E-mails.  
3 I also don't review my personal E-mail as  
4 closely as I do my official one.

5 Q. Uh-huh. Why was she sending it to you  
6 in your personal E-mail?

7 A. I don't know. You have to ask her.

8 Q. Do you get a lot of E-mails from  
9 people, personal E-mails to your personal E-mail  
10 from work?

11 A. No, I'd say 95 percent of them are in  
12 my official E-mail.

13 Q. So what did you tell the New York  
14 Times when they asked about this letter?

15 A. I think -- I think we recently  
16 reviewed the story, and I don't believe we  
17 commented.

18 Q. Do you remember subsequently there  
19 being press inquiries about this letter, other  
20 than the New York Times? Was it just the New  
21 York Times?

22 A. No, I don't remember. What page am I  
23 turning to?

24 Q. I'm looking for it, but I -- before I  
25 show you the -- the document, what recollection

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1 do you have of reporters asking about this  
2 letter?

3 A. I believe it came up in a piece that  
4 Ronan Farrow wrote that Peter Ajemian did most  
5 of the work on.

6 Q. Yeah. And what do you -- what do you  
7 remember about that?

8 A. I remember that they had some of  
9 their -- they had some of their facts and their  
10 timelines wrong when I went through the fact  
11 checking process, and they had me being involved  
12 in drafting the letter, and that just wasn't  
13 true. And so -- and so, you know, we addressed  
14 that with them.

15 Q. Okay. So let me -- I think I've found  
16 at least one document that is a -- sort of a  
17 fact check document for Ronan Farrow. In tab 69  
18 on tab -- binder two.

19 Or at least or a document that refers  
20 to the letter.

21 A. Yup.

22 Q. And I think 70 probably has a  
23 longer -- actually, no. It's not 70. But  
24 anyway, from this one do you remember Peter  
25 Ajemian saying, "Please see below from Rich

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1 Azzopardi regarding the letter. We will likely  
2 have a comment regarding Lindsey's added shot at  
3 Melissa about being a mean girl. Along those  
4 lines, [REDACTED], can you please let me know if  
5 there are other mentions of Melissa that  
6 didn't -- I didn't discuss yesterday, thank  
7 you."

8 And you write, "The first I heard of  
9 any letter was this week when contacted by  
10 another outlet."

11 A. Yes.

12 Q. And this is March of this year?

13 A. Yes.

14 Q. So was that -- is that correct, a  
15 correct statement?

16 A. Yup. That was my recollection at the  
17 time. And also, just because someone sent me a  
18 copy of the E-mail, I don't remember opening it,  
19 I don't remember -- I don't remember -- I don't  
20 remember reading it. And I certainly didn't --  
21 I certainly didn't work on it.

22 Q. How about the other letter that you  
23 did work on?

24 A. That -- that wasn't asked about.

25 Q. But you said, "The first I heard of

1 any letter was this week when contacted by  
2 another outlet."

3 A. I was talking specifically about  
4 Lindsey's letter, which is -- they were  
5 specifically asking me about.

6 Q. You said any letter, not that letter.

7 A. I was talking about -- I was talking  
8 about the letter they were writing about, which  
9 was the same letter, focusing on the New York  
10 Times.

11 Q. You can put that one away.

12 Other than Linda Lacewell, did you  
13 have any discussions with anyone else about the  
14 letter that you did work on whether, you know,  
15 let me leave it at that, did you have  
16 discussions with anyone other than Linda  
17 Lacewell about that letter?

18 A. None that I can recall.

19 Q. You didn't talk to Melissa DeRosa  
20 about it?

21 A. I may have, it doesn't come to mind.

22 Q. And you don't remember who you  
23 discussed not -- not being worth sending that  
24 letter out with? Did you discuss that --

25 A. I think Linda. It was Linda. We're

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1 kind of line editing and where does this get us,  
2 you know, what -- what -- what value does this  
3 happen have in the public discourse.

4 Q. Turn to tab 1 in binder two. I'm  
5 sorry, tab -- sorry. I'm sorry, tab 2 in binder  
6 one.

7 A. Uh-huh.

8 Q. So it's an E-mail from [REDACTED] to you and  
9 Melissa DeRosa.

10 Who is [REDACTED]?

11 A. Who -- I'm sorry, you asked me [REDACTED]  
12 is?

13 Q. Yeah, who is [REDACTED]?

14 A. [REDACTED], she's a finance director for the  
15 campaign.

16 Q. And it says, "These are all entities  
17 plus people she paid for rates. Let me know if  
18 we should dig into any."

19 What is this a list of and whose the  
20 "she" here?

21 A. She would be Lindsey Boylan.

22 Q. Okay. And what is it -- what is this  
23 list?

24 A. It's a list of -- I'm sorry. It's a  
25 list of people -- list of her vendors.

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1 Q. Her what?

2 A. Vendors.

3 Q. Vendors, what do you mean by vendors?

4 A. People she paid in her Congressional  
5 race.

6 Q. And why is [REDACTED] sending you this?

7 A. We're looking for connections.

8 Q. Connections meaning what?

9 A. Sir, I think I've made it clear we  
10 believe her -- her -- her public behavior is  
11 political in nature, always corresponds with her  
12 political aspirations. We found out her  
13 campaign manager is the same campaign manager  
14 that Jumaane -- that Jumaane Williams hired.  
15 And, you know, so we're looking for connections  
16 to see if there was a political aspect to -- to  
17 her -- to her escalating -- her escalating  
18 attacks, and -- and this was -- this was one of  
19 the things that we looked at.

20 Q. And what's "this," just looking at  
21 vendors?

22 A. Yeah.

23 Q. Okay. And how is she -- how is [REDACTED]  
24 [REDACTED] able to get this information?

25 A. It's all publicly available. It's on

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1   search engines, you know. She's -- you know,  
2   she can -- she can -- she can look up more  
3   easily than we can. It's all publicly available  
4   information.

5           Q. And what -- who asked her to do this?

6           A. Well, it's to me and Melissa. I  
7   didn't ask her, so maybe it was her.

8           Q. I'm not asking -- if you don't know,  
9   you don't remember. What do you -- what do you  
10   remember about who asked her to do this?

11          A. I don't -- I don't know -- I don't  
12   know who asked but I was put on it.

13          Q. Did you ask?

14          A. I'm guessing -- no, I'm guessing it  
15   was Melissa I just don't know. I just don't  
16   know.

17          Q. Did you -- do you remember any  
18   discussions about getting the vendor list  
19   together, other than this E-mail?

20          A. I did -- we did speak about looking  
21   into possible connections. I guess this is one  
22   of them.

23          Q. Who did you speak with about it?

24          A. Melissa.

25          Q. Anyone else?

1           A. Peter may have been around.

2           Q. Anyone else?

3           A. Not that comes to mind at the current  
4 moment.

5           Q. And what did you do with this list?

6           A. Nothing -- nothing in -- nothing  
7 particular I don't -- stood out, I don't think.  
8 Again, I said --

9           THE WITNESS: I'm sorry, is that  
10 somebody else?

11           MR. J KIM: I think it's better now.

12           MR. E KIM: I think that was an echo  
13 or something.

14           THE WITNESS: Okay.

15           Q. What did you do --

16           A. To my knowledge -- to my knowledge, I  
17 don't think we did anything on this, but, you  
18 know, we -- we certainly tried to research  
19 connections.

20           Q. What else --

21           A. That was one of the things we did.

22           Q. Do you know if anyone else did  
23 anything on this, Melissa or anyone else?

24           A. I think we -- I think we looked at  
25 some of her donors too. I know we pulled

1 Jumaane Williams' donors to look for  
2 comparisons. I know we pulled the working  
3 families parties donors to look at -- to look at  
4 comparisons.

5 We hadn't -- we had a -- an  
6 intermediary try to get some information from  
7 her campaign manager who works in the attorney  
8 general's office.

9 Q. Who was that intermediary?

10 A. That would be [REDACTED], the chief  
11 of staff.

12 Q. And what did you reach out -- you  
13 reached out to him?

14 A. We reached out to him and -- because  
15 he knew the campaign manager [REDACTED], to see  
16 if he can find some -- to see if he can find out  
17 any information.

18 Q. And did he?

19 A. He did.

20 Q. What information did he find?

21 A. Apparently she -- she told her  
22 campaign that morning she was going forward with  
23 the accusations of sexual harassment, which  
24 were -- and that she had no intent to follow up  
25 on them because she said that she -- she didn't

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1 want to go there but in her heart she knows that  
2 he harassed her. I don't know what that means  
3 but that was what was relayed to us.

4 Q. So let me unpack that. So she  
5 informed her campaign that she was going forward  
6 with the accusations the morning of when the  
7 tweet or later?

8 A. Yeah, the morning of the tweet.

9 Q. Got it. And she said she had no  
10 intent to follow-up on them?

11 A. Yup.

12 Q. Meaning she'll just do the tweet and  
13 then not do any more --

14 A. I think they -- I think -- I'm sorry,  
15 are you finished now?

16 Q. That was her intent, is what she said?

17 A. And I believe -- what was told to us  
18 is the campaign manager asked her, how could you  
19 do this without any specifics.

20 And she said, I know he harassed me in  
21 my heart.

22 I don't know what that means.

23 Q. Okay.

24 A. But that's what was relayed back to  
25 us.

1 Q. That was what?

2 A. That's what was relayed back to us by  
3 [REDACTED].

4 Q. I see. Anything else that was relayed  
5 back to you by [REDACTED]?

6 A. I don't think so. I mean, Melissa may  
7 have had another conversation with him but  
8 that's what -- that's what I was told.

9 Q. And who did [REDACTED] get this  
10 information from?

11 A. I believe her campaign manager. Oh.  
12 Who at that -- who at that time -- that's the  
13 other piece of information. He said -- he  
14 informed [REDACTED], according to him, that he  
15 wanted to leave but didn't think it was a good  
16 look because of the accusations, and he was a  
17 mail campaign manager.

18 Q. And who was that?

19 A. [REDACTED].

20 Q. And how did [REDACTED] know to reach  
21 out? Did he know someone in the campaign?

22 A. He knew [REDACTED]. Yeah, I believe he also  
23 did some work for the attorney general.

24 Q. Sorry, [REDACTED] -- [REDACTED] did some work  
25 for the attorney general?

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1           A. I believe that's correct.

2           Q. And who reached out to [REDACTED]?

3           A. Melissa did, I did. I don't think it  
4 was the same phone conversation -- I don't think  
5 it was the phone -- same phone conversation but  
6 we both did.

7           Q. And what did you -- what did you ask?

8           A. I think I asked -- I asked -- I asked  
9 if he knew anything. He said he could see what  
10 he finds out.

11          Q. Knew anything about what?

12          A. What the play is here, what the heck's  
13 going on? This orchestrated? Is this not? Is  
14 this like part of something? Is this an actual  
15 campaign thing? And that's the information he  
16 came back to me with.

17          Q. And did you say to [REDACTED] that  
18 this was related to earlier her allegations of  
19 sexual harassment?

20          A. He knew, he knew. I said, you see  
21 what -- you see what happened. Let's go -- you  
22 know this guy, what's the deal here.

23          Q. By "this guy" meaning [REDACTED]?

24          A. Yes.

25          Q. Okay. Any other requests you made of

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1 [REDACTED] ?

2 A. I don't think so. Again, there may  
3 have been subsequent conversations, but that was  
4 to the extent of what I -- what we talked about.

5 Q. Okay. So you believe you got the  
6 vendor list, you got donor lists, who did you  
7 get -- who got you the donor lists?

8 A. I mean, again, they're publicly  
9 available but the campaign pulled them for us.

10 Q. [REDACTED] ?

11 A. I believe it was -- I believe -- I  
12 believe it was her, yeah.

13 Q. Did she send that to your E-mail?

14 A. I believe so.

15 Q. Okay. So I don't know if this -- this  
16 was pulled from your E-mail searches. Did you  
17 find any donor lists -- or maybe your lawyer  
18 knows, unless you haven't looked at it. Do  
19 you -- do you know if you have donor lists that  
20 were sent to you -- to your personal E-mail?

21 A. I believe it was one of the documents  
22 we reviewed.

23 Q. Okay.

24 MR. E KIM: Just answer to the best of  
25 your recollection. You don't need to talk

1           about, you know, whatever --

2           THE WITNESS: Gotcha.

3           MR. E KIM: -- you reviewed, but to  
4           the best of your recollection.

5           A. I believe -- I believe so, yes.

6           Q. Okay. So vendor list, donor list,  
7           information from [REDACTED] through [REDACTED].  
8           Anything else that you gathered?

9           A. That's the extent of it, I believe.

10          Q. And did you do anything with any of  
11         that information?

12          A. No.

13          Q. So did you know that some of that  
14         information, particularly relating on Jumaane  
15         Williams, the connection was in the -- in drafts  
16         of the letter that you were forwarded? Are you  
17         aware of that now?

18          A. I was -- I was aware of that when the  
19         New York Times story came out.

20          Q. But you don't -- but you don't  
21         remember the information you were gathering  
22         making its way into this other letter?

23          A. No.

24          Q. Okay. Any other statements that you  
25         remember working on about -- or being involved

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1       in about Lindsey Boylan?

2           A. I mean, I think there were a couple of  
3 other stories in -- in between -- in between  
4 December and the Medium post where she spoke to  
5 reporters about a hostile workplace, and I may  
6 have been involved -- I may have been involved  
7 in -- in drafting -- in drafting some.

8           Q. If you look at tab 28 of binder two.

9           A. Yup.

10          Q. In the bottom it says, "She is  
11 disgruntled, former employee who quit after  
12 being counseled on multiple harassment  
13 complaints against coworkers/subordinates. She  
14 later asked to return to chamber and that  
15 request was not granted."

16          A. Yup.

17          Q. It's sent originally from you. Did  
18 you draft this statement?

19          A. I believe I did. I believe I did.

20          Q. And do you know if it was ever issued?

21          A. I don't think it was.

22          Q. What discussions do you remember  
23 having about that statement?

24          A. I think -- I think it was -- I think  
25 it was she was not a big part of the story. I

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1       was comfortable certainly saying -- saying  
2       what's been on the -- what's been out there  
3       already on the record, and I think that required  
4       the proper context of it. There's apparently a  
5       discussion and I don't think -- I don't think  
6       my -- I don't think my view prevailed.

7           Q. And in this chain you -- you write it,  
8       Steve Cohen makes some edits, it looks like, in  
9       all caps, right?

10          A. Uh-huh.

11          Q. And then you write back saying he did  
12       not -- he read it to me. What's meant by that?

13          A. I'm sure that was the reporter. I'm  
14       sure that was the reporter summarizing what  
15       he -- what he was quoting her saying in the  
16       story.

17          Q. I see. You're saying -- because it's  
18       not -- at least the chain doesn't give context  
19       for what you mean. You think there may have  
20       been like other texts, you may have been talking  
21       on the phone or --

22          A. I could have --

23          Q. -- just out of the blue -- he read it  
24       to me, so ...

25          A. It could be in response to another

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1 chain. I don't know.

2 Q. But it sounds like -- you're saying  
3 the article, the reporter read it to you, so  
4 that you have -- and this statement would be in  
5 response to whatever it is that's read to you --

6 A. Correct.

7 Q. -- or to be included?

8 A. Correct.

9 Q. And then you see --

10 A. I'm sorry, Joon.

11 Q. -- Melissa DeRosa adds some people and  
12 then Josh Vlasto says, "Please don't send this  
13 please, please, please."

14 Do you know why Josh Vlasto didn't  
15 want this thing to be sent?

16 A. I don't. But, you know, maybe if this  
17 was an article about a -- about a hostile  
18 workplace, maybe he thought the response was too  
19 hot.

20 Q. And -- but you didn't agree?

21 A. Again, it's nothing that hasn't  
22 already been out there. I -- I honestly think  
23 context in these instances is what's needed.

24 Q. But you -- you think you -- you ended  
25 up not sending this?

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1           A. I don't believe it ended -- I ended up  
2 not. I could -- I could be wrong but I don't  
3 believe I did.

4           Q. And in your view this type of a  
5 statement is not something that could be viewed  
6 in any way as vindictive?

7           A. I think it's -- I think it's merely  
8 correcting the record.

9           MR. J KIM: So it's 1:05. It makes  
10 sense to take a -- a quick break for lunch?

11           THE WITNESS: Sure.

12           MR. J KIM: I mean, I -- I -- I don't  
13 want to make people wolf down food too  
14 quickly, but I can eat pretty quickly,  
15 whatever --

16           THE VIDEOGRAPHER: Let me go off the  
17 record first?

18           MR. J KIM: Yup.

19           THE VIDEOGRAPHER: Okay. Stand by.

20           The time is 1:06 p.m. We are going off the  
21 record. This will end media unit number  
22 three. Stand by.

23           (Luncheon recess taken at 1:06 p.m.)

24

25

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1                   A F T E R N O O N                   S E S S I O N

2                   (Time noted: 1:36 p.m.)

3                   R I C H A R D        A Z Z O P A R D I,        resumed

4                   and testified as follows:

5                   CONTINUED EXAMINATION

6                   BY MR. J. KIM:

7                   THE VIDEOGRAPHER: Time is 1:36 p.m.

8                   we are back on the record. This will be

9                   the start of media unit number four.

10                  BY MR. J KIM

11                  Q. Okay. So do you remember,

12                  Mr. Azzopardi, in February of this year Lindsey

13                  Boylan issued a medium piece with -- with

14                  additional details about her allegations?

15                  A. I do.

16                  Q. And how did you first learn about

17                  that?

18                  A. Somebody from my office flagged it for

19                  me.

20                  Q. By your office you mean the press

21                  office?

22                  A. Yes.

23                  Q. They saw it when it was actually

24                  posted?

25                  A. Yes.

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1           Q.    And what did you do after you learned  
2 about that?

3           A.    I believe I was working home from that  
4 day. I went -- I ran to the office and the same  
5 group, the same, roughly the same group  
6 convened. I think sans a couple of people to  
7 discuss a response.

8           Q.    And roughly the same group, can you  
9 tell me who you remember convening?

10          A.    Melissa, Peter, Danny via phone, I  
11 think Liz, I think Pollack, Judy, Beth, Linda.  
12 So we discussed a response with counsel.

13          Q.    And at that time had you -- at that  
14 time did you or anyone else to your knowledge do  
15 anything to verify the truth of any of Lindsey  
16 Boylan's allegations that were set forth in  
17 greater detail in the media piece?

18          A.    We looked -- we looked at the post.  
19 We tried to look at contemporaneous information.  
20 Someone discussed with the governor. She  
21 gave -- she gave one -- she gave a detail that  
22 involved a plane ride and an approximate date  
23 and time. We looked at the records to see who  
24 she was on the airplane with and we called them  
25 up. We called up these people to see - to see

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1 what their recollection was.

2 Q. Let's take that one at a time. You  
3 said someone spoke to the governor, do you know  
4 who spoke to the governor?

5 A. I don't know.

6 Q. And was the answer conveyed back to  
7 you?

8 A. I believe the answer's conveyed back  
9 was very similar, is that he didn't harass her,  
10 this instance didn't happen.

11 Q. Was the answer that none of the  
12 incidents that she alleged happened?

13 A. I believe that's right. Though if  
14 there's a document that goes through. But the  
15 response was in the -- it would be beneficial  
16 for me to review, I'd like to review it.

17 Q. I don't know that we have a document  
18 that goes through the responses item by items  
19 so.

20 A. Okay.

21 Q. Do you remember whether there was any  
22 specific discussion about the allegation that  
23 the governor had kissed her?

24 A. I believe there was -- I believe we  
25 talked about it in consultation with counsel and

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1       then I think you saw our final product.

2           Q.     And any discussion about any reporting  
3       back about what the governor said about that?

4           A.     I believe that was done with counsel  
5       but I think the final -- our final statement  
6       reflects what came back.

7           Q.     How about any discussions about there  
8       was allegations that the governor had shown  
9       Lindsey Boylan like a cigar box that had been  
10      given to him by President Clinton? Any  
11      discussion about that that you remember?

12        A.     Inside the group that was with counsel  
13      and I can tell you that I have seen the governor  
14      give that to her before, to a variety of people  
15      myself included.

16        Q.     And by that to her, meaning what?

17        A.     This is -- this is, you know, this is  
18      like the bust of Robert F. Kennedy, this is the  
19      Williams Jennings Bryant poster that like, you  
20      know, that like influenced -- that influenced my  
21      campaign posters.

22           Here's a -- here's a shot -- here's  
23      some pictures of me in HUD. Here's a tchotchke  
24      got from Bill Clinton. Here's a cigar box I got  
25      from Bill Clinton.

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1                   He's given that tour to reporters.  
2        He's given that tour to guests. He's given that  
3        tour to staff members when it's like a quiet  
4        moment. I will say -- I'm familiar with that  
5        tour that he's given to men and women staff  
6        members and visitors.

7                   Q. So that -- that aspect of what she  
8        said having been shown the cigar box of -- that  
9        was Bill Clinton, that was not something in your  
10      view was -- seemed wrong or incorrect?

11                  A. I don't know if it happened when she  
12        said it did. I don't -- I don't know what the  
13        circumstances were, if it happened, if it didn't  
14        happen but I'm saying something very same that  
15        to her seem to be, you know, seem to be standard  
16        in my recollection in my experience.

17                  Q. Did you have any personal knowledge of  
18        any of the incidents or events that Lindsey  
19        Boylan included in her media piece?

20                  A. On its face I'm going to say I did not  
21        but is the media piece in the documentation? I  
22        could look at it?

23                  Q. Yeah, it should be. Is it, [REDACTED]? May  
24        be in the media it mentions. It may not be in  
25        all the media because I don't think you're

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1 mentioned in it, but we can pull it up. But why  
2 don't we walk through it and then we'll -- some  
3 of the other questions, it may be in some of the  
4 other documents we look at.

5 A. Okay.

6 Q. But sitting here today you don't  
7 remember saying, Oh, I was there or I wasn't  
8 there or personally having knowledge of any of  
9 the allegations?

10 A. I don't believe so, sir.

11 Q. Okay. And then so what was -- and so  
12 you said counsel was involved. Was that again  
13 Judy Mogul and Beth Garvey?

14 A. I believe Linda Lacewell.

15 Q. I mean what did you decide to do after  
16 you met?

17 A. We put out a -- we put out a  
18 statement -- we put out a statement from our  
19 office denying her allegation of sexual  
20 harassment. We put out a subsequent statement  
21 about the one -- of the -- of her concrete  
22 allegations that actually had a real time stamp  
23 on it that we were able to look up from those  
24 who rode on a plane with her during the month of  
25 October 2018 saying that the Governor's comment

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1 to her that she reported did not happen.

2 Q. How was the mention of playing strip  
3 poker?

4 A. That would be the one.

5 Q. And who -- who reached out to the  
6 individuals?

7 A. I did.

8 Q. Each of them?

9 A. Yup.

10 Q. And what did you -- what did you ask?

11 A. Here's what Lindsey said, do you have  
12 any memory of this happening. To the one -- to  
13 the one they said no. And then I said, is it  
14 possible that like that could have been said and  
15 he couldn't have heard. They said no, the plane  
16 is really small. You hear all the conversation  
17 that goes on everywhere. We would have  
18 remembered that. And I said, would you be  
19 okay -- it would be okay signing a statement  
20 that said so. They said yes.

21 Q. And they said that the plane is a  
22 plane where you can hear everyone talking?

23 A. I've been on that plane, sir, it's a  
24 sardine can.

25 Q. And did you reach out to any state

1       troopers?

2           A. I don't think so but the state trooper  
3       would have been further away.

4           Q. What do you mean by that?

5           A. I believe they would have been further  
6       away in the seat. The state trooper usually  
7       sits on the bench seat behind and then there's  
8       four seats up front.

9           Q. Did you do anything about -- did you  
10      or others look at -- look through Lindsey  
11      Boylan's other prior tweets and do anything  
12      about that?

13          A. Did we do anything about the prior  
14      tweets?

15          Q. Yes.

16          A. We looked at the prior tweets, yeah.  
17       There was a time -- there was a time we did  
18       assemble a timeline of her tweets, absolutely.

19          Q. And what did you do with that after  
20      doing the timeline?

21          A. I don't think I disseminated them  
22      widely but I did try to talk through some  
23      context of reporters. It's possible I sent  
24      them. I don't think they were all that  
25      interested in them.

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1           Q.     And what was -- what was the context  
2     that she had said positive things about the  
3     governor?

4           A.     The prospect -- when she left, her  
5     problem was not with the governor, her problem  
6     was with the staff to my -- and she, and I know  
7     she tried -- I know she had her issues. She  
8     tried to get her job back. They said no. She  
9     was outwardly supportive of the governor  
10    publicly. No one asked her to be, proud of the  
11    work, proud of the work, thought she had a hand  
12    in that was advancing. She tweeted  
13    encouragement. Nobody asked her to. And then  
14    she decided -- then she decided -- then she  
15    decided to run for office. When you're running  
16    in a democrat primary being there is a certain  
17    lane for people who are -- who don't  
18    particularly like the governor. It's an easy  
19    one to get into, and that's when the -- that's  
20    when the attacks started and they -- that's when  
21    the steady drum beat started, and then there  
22    would be times -- there'd be times she'd go on  
23    these weird storms and weird hours of the day.  
24    And then -- and then the attack, then when the  
25    governor made -- I went through -- I went

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1 through. The rest of it has all been on the  
2 record. I don't have to repeat it, if you don't  
3 want me to.

4 Q. Yup. And how about were there  
5 discussions about threatening tweets or messages  
6 she had sent to people in the executive chamber?

7 A. Yes.

8 Q. And what was -- what was the  
9 discussions about that?

10 A. I think I -- I think I started to talk  
11 about that before but I'll finish it. The -- at  
12 some point she decided -- at some point during  
13 COVID we changed the ballot access restrictions.  
14 That made it easier to collect less signatures  
15 get on the ballot. She took that as a personal  
16 affront to her that she thought made her job  
17 easier.

18 She threat -- she texted both Danny  
19 and Rob Mohica (phonetic) and was like, I  
20 know -- I know -- I know you did. Something  
21 along the lines of, I know you did this to hurt  
22 me. That's okay. Retribution is coming or  
23 something along those lines.

24 I don't have the text in front of me  
25 and then she did that. Subsequently she

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1       started -- subsequently she started texting --  
2       she started E-mailing people like [REDACTED]  
3       and John Maggiore I who hasn't with us for like  
4       a year. [REDACTED] [REDACTED]

5       [REDACTED] And Danny, and I think Rob and some  
6       others about how they were horrible people.  
7       Like out of nowhere, horrible people, that  
8       enabled harassment. These people were -- these  
9       particular people were not involved in her -- in  
10      the initial complaints to her -- the initial  
11      complaints against her. I think they tried to  
12      keep in touch -- I think they tried to keep in  
13      touch with her to be as friendly as possible  
14      with her. And like out of nowhere she's like  
15      threatening us.

16           And then I see her -- and by the way,  
17       she's also been like anybody who speaks up in  
18       our defense, she threatens on line. You know,  
19       of course, you keep an eye on it. Everybody in  
20       the world sent them to me, you know.

21           Q. And --

22           A. I don't know how to respond to the  
23       rest of your question. I don't think we  
24       necessarily -- I think I lost track. Did I  
25       answer it or no?

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1           Q.    What, if anything, was decided to be  
2       done on the text messages that she had sent to  
3       the people within the chambers?  Dani Lever?

4           A.    At some point, I believe at -- at some  
5       point I believe we did shop the reporters to see  
6       if they'd been interested in it.

7                  At the time this wasn't the time.  
8       This wasn't around the media post.  This was  
9       before that.  And at the time they said -- they  
10      basically said she's a one day story, so no,  
11      they weren't interested in them.

12           Q.    And were they more interested after  
13      the media post?

14           A.    By that time -- by that time -- by  
15      that time I don't think they ever saw the light  
16      of day so I don't think so.

17           Q.    Why didn't they?

18           A.    I'm sorry, what?

19           Q.    Why didn't you?  Oh, I see.  You did  
20      shop it.  It just didn't see the light of day?

21           A.    It didn't see the light of day, yeah.

22           Q.    If you can turn to tab four of binder  
23      one.

24           A.    You know what?  I have a tab one, I  
25      have a tab two.  I have a three and then I have

1 a five.

2 Q. Oh yeah, okay?

3 A. All right. Hold on.

4 MR. E KIM: I think we're missing  
5 four, maybe there's two docs maybe behind  
6 three.

7 MR. J KIM: We can.

8 A. I see them.

9 MR. E KIM: Well, this may be tab  
10 three.

11 A. The text, I see the text in the  
12 tweets.

13 Q. Does it start with Liz Smith at the  
14 top or?

15 MR. E KIM: No, this is an E-mail from  
16 Melissa DeRosa dated February 24th.

17 Q. There's a response to that. Why don't  
18 we -- can you -- Hyatt, can you post tab four to  
19 binder one or just put it up?

20 So I think what you just saw was the  
21 one on the bottom?

22 A. Yup.

23 Q. Lindsey continued to tweet positive  
24 things. And then you see the lower text  
25 messages Lindsey Boylan sent two top members of

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1       the administration after the governor signed an  
2       executive order truncating the petition period?

3           A.     Yup.

4           Q.     And you see that Liz Smith says, I  
5       think the tweets with no fingerprints OTR are  
6       fine to pass along. What does she mean by "no  
7       fingerprints OTR"?

8           A.     Mean off the record.

9           Q.     They mean off the record or on the  
10       record? Off the record?

11          A.     They mean off the record, correct.

12          Q.     I would lay off the other stuff  
13       because it only points back. It only point back  
14       to the governor's office and reinforce bully  
15       story line?

16          A.     Yes.

17          Q.     So what -- do you remember this being  
18       Liz Smith's view?

19          A.     I think she wanted to -- I think she  
20       wanted to be careful. I mean she wanted to be  
21       careful. I don't agree. I personally don't  
22       agree with that sentiment but, you know, Liz is  
23       smarter than I am.

24          Q.     But at this point you did -- or --  
25       what -- were the texts also provided, passed

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1 along?

2 A. I'm sorry. Can you go back? What's  
3 the date in that E-mail?

4 Q. February 24?

5 A. February 24? My -- my recollection is  
6 that we provided the text to reporters much  
7 earlier in between. If there was -- if they  
8 were shopped around again after the media piece,  
9 I don't remember. Doesn't mean it didn't happen  
10 though.

11 Q. And what's her reference to reinforce  
12 bully story line?

13 A. All of the -- all of the hostile work  
14 place stories that have been going out at this  
15 point we're getting it from every side.

16 Q. But is that a view you shared or no?

17 A. No.

18 Q. That to reinforce the bully story  
19 line?

20 A. No, I personally didn't but, you know,  
21 I respect Liz and her opinion.

22 Q. All right. We can put that down. And  
23 then if you look at tab five, the immediate next  
24 tab. It's that same day, February 24th, Josh  
25 Vlasto sends you the copy again to your personal

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1 E-mail address of the prior documents?

2 A. Yes.

3 Q. Do you know why he sent it to you that  
4 day?

5 A. My recollection is that Linda wanted a  
6 copy of what I sent out and I just didn't have  
7 it and I thought on the off chance he may still  
8 have it, so he sent it to me, I sent it to Linda  
9 is my recollection.

10 Q. I see. Linda was asking about what do  
11 we send out and you didn't have --

12 A. She just wanted a copy of it with the  
13 redactions, it's not -- you know, obviously we  
14 have the actual file.

15 Q. Was she planning to send it out again  
16 or is she just wanted it for -- you know --

17 A. She is -- she is not involved with  
18 press, no.

19 Q. She's not involved in press at all?

20 A. She doesn't talk to reporters but she  
21 does give advice.

22 Q. I see. And then if you go to tab  
23 eight. It's the same thing but then you forward  
24 it to yourself on March 8. Do you remember why  
25 you forwarded it?

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1           A.    Looked like I forwarded to my  
2 government E-mail?

3           Q.    Yeah.

4           MR. E KIM:   The one we're looking at  
5 tab five.

6           THE WITNESS:   Yeah, I'm looking.

7           A.    The lag of a couple days. I don't --  
8 I don't remember but I put it in my government  
9 E-mail. Is there a subsequent one?

10          Q.    No, I wouldn't see it. So you don't  
11 remember why you were forwarding it to your  
12 government E-mail?

13          A.    No. I assume at that point I  
14 forwarded it to Linda or maybe she needed it  
15 again. I'm speculating at this point.

16          Q.    Okay. Can you look at tab 17 of this  
17 binder.

18          A.    Yes.

19          Q.    And this is -- who's [REDACTED]?

20          A.    [REDACTED] is currently my deputy  
21 in the press office.

22          Q.    Got it. So this is [REDACTED] texting  
23 you, MDR asked squad to circulate the Stasi  
24 piece defending governor. The folks don't feel  
25 comfortable and folks don't feel comfortable

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1 with that. If she just wants it pinned to him,  
2 they will handle but not sending it wide.

3                   Do you know what this is a reference  
4                   to?

**5**                   **A.**           **Yes.**

Q. What is it talking about?

A. Well, the Stasi piece was a piece  
defending the governor. Linda Stasi is, yeah,  
she's a well-known columnist. I guess Melissa  
did ask my team. I made sure she read it. I  
think she asked the team to send it wide to  
everybody on clips (phonetic). Junior guys in  
my press shop, I think there were some younger  
staff members who were close to some of the  
complainants who had a very firm -- who had a  
very firm view of what happened and -- and was  
trying -- sided with their friends, I get it.  
And I think the kids in my shop, these are all  
younger people, sir, were worried about  
circulating anything that seemed to be defensive  
of the governor and that would -- that would  
anger their coworkers. I don't know if that's  
real. I don't know -- I don't know if that was  
a not real sentiment but that's -- that is my  
interpretation of what it was like ...

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1           Q.     And so what -- how -- do you know how  
2     this was resolved, how?

3           A.     I don't.

4           Q.     And who conveyed --

5           A.     I don't -- I'm sorry. I'm sure, you  
6     know, I'm sure the governor eventually saw the  
7     piece.

8           Q.     And did you have any conversations  
9     with [REDACTED] or Peter or anyone else about who  
10    felt uncomfortable about it?

11          A.     No.

12          Q.     Did you speak with anyone directly  
13    about whether they felt comfortable?

14          A.     I did -- I did talk to my staff. I  
15    did talk to my staff. I mean before this you  
16    had the matter -- you had the matter about the  
17    nursing homes that also came down sort of  
18    contemporaneously.

19                 And, you know, I asked them if they  
20    ever had any questions or concerns to come to  
21    me, you know, you throw around words like, you  
22    know, investigation or EG inquiry, you know,  
23    that stuff sounds scary, but, you know, we got a  
24    job to do. If you don't feel comfortable doing  
25    it, we can talk about it. But you know, that

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1       was the extent of my conversations.

2           Q.     Did anyone come to you?

3           A.     Yeah.

4           Q.     Who came to you?

5           A.     This woman named [REDACTED] who was on  
6       loan from OASIS, the state agency to help out  
7       with the COVID response. She said, you know  
8       what, this is all crazy. I'd rather go back to  
9       my agency. I said, okay, you know, I had  
10      another -- another coworker --

11       Q.     What's his name?

12       A.     Sorry. [REDACTED].

13       Q.     What's her last name?

14       A.     [REDACTED], I don't remember to be honest  
15      with you. I could have -- I could have my  
16      attorneys follow up if that's important to you.

17       Q.     Yeah, I think it would be helpful to  
18      know.

19       A.     Okay. Okay. And had somebody else  
20      come to me who had a daughter and, you know, we  
21      just had a daughter and like wasn't comfortable  
22      and asked -- and asked -- told me she was going  
23      to pursue other jobs. I said okay, let me know  
24      if you need anything. She actually decided to  
25      stay.

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1 Q. What did -- what did --

2 A. You know, for --

3 Q. She came to you after the nursing home  
4 stuff or the --

5 A. After the harassment stuff, yeah. And  
6 I was very supportive and but ultimately she  
7 decided to stay for -- I think we provided more  
8 flexibility than some other jobs she was looking  
9 at.

10 Q. And what's her name?

11 A. [REDACTED], [REDACTED], [REDACTED]  
12 [REDACTED].

13 Q. [REDACTED], got it. Anyone else?

14 A. [REDACTED] who I talked to before.  
15 She was a different, slightly different  
16 circumstance. She was committed to us, was  
17 committed to the team but she had [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]. [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED]

23 [REDACTED].

24 Q. Anyone else?

25 A. For the most part I think specifically

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1 about this, I think that's -- I think that's it.  
2 But you know, this also -- Counselor, this also  
3 comes after a very long year where we didn't  
4 sleep where every day was a tragedy. So a lot  
5 weighed on us at the same time.

6 Q. When [REDACTED] said to ask squad  
7 circulate the Stasi piece defending the  
8 governor, who had she asked [REDACTED] to circulate  
9 it to?

10 A. We have a press list. You know, we  
11 have press -- I mean it's -- it's not like a  
12 press list like you blast out a press release  
13 like an internal press, an internal press list  
14 of people who you send clips to as you go so,  
15 you know what's going on during the day.

16 Q. And then who was on that press list?

17 A. The chamber.

18 Q. Every one on the chamber?

19 A. Chamber and commissioners, yup.

20 Q. And commissioners, I see commissioners  
21 of different agencies?

22 A. Yes, I believe the chamber and the  
23 quote/unquote cabinet so.

24 Q. Okay. Can you take a look at the tab  
25 61 of binder two.

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1           A.    Yup.

2           Q.    So this one looks like a series of  
3       E-mails where there are particular points that  
4       look like you were working on finding responses  
5       or drafting responses to a New York Times --

6           A.    Yup.

7           Q.    -- report; is that right?

8           A.    Yup.

9           Q.    Something like this and then there's,  
10       you know, in all caps or some other way  
11       identification of how you're going to respond.

12                  The first E-mail in this chain is the  
13       Melissa DeRosa. She fills out like things off  
14       the record, how Lindsey know who released it,  
15       you know, fixated on her characterization of  
16       him. Off the record this or that or on the  
17       record this or that, from a spokesperson.

18                  Is this something -- how does  
19       something like this get drafted? Is Melissa  
20       DeRosa taking a first crack at how to respond  
21       and forwarding of the group for comment or?

22           A.    Sometimes. That's not it.

23           Q.    Or does something like that usually  
24       follow like a meeting or a, I guess, first if  
25       you have a particular recollection of this

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1 exchange?

2 A. I think we definitely talked about it.  
3 I think we definitely talked about it, you know,  
4 with roughly the same group. We definitely  
5 went -- we definitely went through it on the  
6 phone. We definitely threw stuff around. We  
7 needed, you know, tried to figure out what we  
8 answered previously, what we haven't answered  
9 previously. And it looks like she probably took  
10 a first crack at that answer. That's not  
11 atypical. Sometimes it's her, sometimes it's  
12 me. Sometimes it's Peter.

13 So this -- I'm sorry, sir, is this the  
14 Ronan Farrow piece we're looking at?

15 Q. I think this one is New York Times. I  
16 think Ronan Farrow comes later. Hold on.  
17 This -- March. Actually this could be the Ronan  
18 Farrow because the Ronan Farrow piece comes out.

19 A. Yeah, I believe this is the piece.  
20 Yeah, this is the piece.

21 Q. And so she starts -- so you're being  
22 told by the reporter or if it's Ronan Farrow.  
23 Here is things that I'm saying, what's your com  
24 -- what's your response?

25 A. Correct. Then I believe we talked all

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1 three by the phone and then we tried to fine  
2 tune answers.

3 Q. And usually -- this is a sort of --  
4 this was a common group for this subject matter,  
5 sounds like Melissa?

6 A. Correct.

7 Q. And at this time, I mean Linda  
8 Lacewell is the superintendent of DFS, right?

9 A. She also was in the chamber doing work  
10 in COVID relief.

11 Q. And was Linda Lacewell this involved  
12 on a regular basis on subjects other than the  
13 sexual harassment issues?

14 A. COVID issues, you know, there may have  
15 been something else that's come up too.

16 Q. How about prior to COVID?

17 A. Prior to COVID? I'd call her a lot.  
18 I'd call her a lot and sound board off her. She  
19 was the -- she was the chambers risk officer and  
20 compliance officer for a very long time.

21 Q. Uh-huh.

22 A. So I do -- we do really value her  
23 opinion.

24 Q. So if you look at the first -- the  
25 third page of this and one of the -- one of the

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1 comments is she reiterates her claims the  
2 governor kissed her on the lips in 2018 and the  
3 response, proposed response at this point is  
4 from a spokesperson this is not true.

5 A. Yes.

6 Q. When it's from a spokesperson, at this  
7 time, what does that mean? Does that mean you?

8 A. Could be me, could be Peter. Like I  
9 said Peter negotiated this one. I have no  
10 problem putting my name on anything that I  
11 believe to be true.

12 Q. At this point it could be Peter --  
13 whoever is -- whoever is the lead on responding  
14 to a particular article?

15 A. Correct.

16 Q. When it says, this is not true,  
17 presumably that -- was -- this is the type of  
18 thing would be checked with the governor since  
19 he's the one that would be able to fact check  
20 that?

21 A. This had been checked with the  
22 governor previously as our answer.

23 Q. And then do you remember in connection  
24 with these draft answers, Beth Garvey writes  
25 back, we don't have to make news with that

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1 answer. It can be spun as retaliatory.

2 Do you know what she was referring to?

3 A. I think she was referring to my  
4 statement.

5 Q. Your statement was after the  
6 statements and she and her lawyers, members of  
7 the press reaching out to former members of the  
8 chamber many of who have never worked with her,  
9 these former members of chamber called to let  
10 various staff people know and convey that they  
11 were upset by the outreach. As a result we  
12 practically reached out to some former  
13 colleagues to check in and make sure they had a  
14 heads up.

15 Is that the statement?

16 A. I don't think that's the one. That's  
17 another one I saw. Maybe -- I guess that's the  
18 one. I really thought there was another  
19 statement made here that was similar to the last  
20 one we were talking about.

21 Q. Do you believe and so --

22 A. Okay.

23 Q. What did you think -- it may -- I mean  
24 it's not clear to me what part she's referring  
25 to. So she just said we don't have to?

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1           A. Yeah, yeah. I'm sorry. I thought she  
2 was talking about in reference to my previous  
3 comment about maybe reiterating, harassing  
4 staff. So I actually -- I actually don't know.  
5 The argument seems to be about this statement  
6 but I'm not really tracking it.

7           Q. And do you remember having a  
8 discussion about making sure you're not doing  
9 anything that would be considered retaliatory?

10          A. Well, that would probably be a  
11 discussion for counsel.

12          Q. Then --

13          A. But that statement here is that it  
14 could be spun as retaliatory doesn't mean it was  
15 retaliatory is my reading.

16          Q. If you look at tab 62.

17          A. 62.

18            MR. E KIM: 62 you said?

19            MR. J KIM: Yeah, 62. That same  
20 binder.

21          A. Okay.

22          Q. And here again Beth says, in another  
23 E-mail exchange on the same topic, I spoke to  
24 Melissa earlier. I think she agrees we  
25 shouldn't give news to this story if there isn't

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1 any in the statement. Keeping it to prior  
2 statements can create new exposure re  
3 retaliation. Note her tweets re civil suits is  
4 the safest.

5 Any discussion beyond this that you  
6 remember about things you say being potentially  
7 retaliatory?

8 A. No, I'm sorry. I don't have -- I  
9 don't recall any.

10 Q. Okay. If you go to tab 67 this looks  
11 to be either -- I don't know if that last one  
12 was in response to Ronan Farrow. This one  
13 definitely looks to be because it's -- it says  
14 New Yorker fact check, right?

15 A. Okay.

16 Q. And the first one, the first fact  
17 check is new information on the day that Lindsey  
18 Boylan was tweeting back in December.  
19 Allegation of harassment there was a group of  
20 people helping with the gov with coms relating  
21 to this incident. They were planning to call,  
22 discuss the tweets and how to respond.

23 MDR, Peter, Jamie and Steve Cohen, the  
24 group was exchanging tweets and a group E-mail  
25 was circulated to plan a call. E-mail planning

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1 a call to talk about the tweets.

2                   Then in all caps they disputed this  
3 discussion with editors. What is that -- what  
4 is that a reference to?

5                   A. I don't know. That's a question for  
6 Peter. I don't know what that means.

7                   Q. But presumably disputed this  
8 discussing with editors that it's -- it looks to  
9 be saying we're disputing this. We're going to  
10 discuss it with the editors.

11                  A. You know, I think I know what it is.

12                  Q. Okay.

13                  A. I think Peter may not have been part  
14 of the first call in December. He may have been  
15 on some of the E-mails. He may not have been  
16 part of that first call. You know, just like in  
17 this piece, I push back against being part of  
18 the Lindsey Boylan letter. I think that's what  
19 he was disputing. The facts that they had were  
20 a little bit less than precise if I'm jogging my  
21 memory so ...

22                  Q. But it is true that there were text  
23 chains and group discussions responding in terms  
24 of how to respond to a tweet, right?

25                  A. Counselor, you should know we spent

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1 several hours talking about just this so --

2 Q. That's why I'm asking.

3 A. Yeah, I think -- I think if Evan Peter  
4 was just as I was sensitive about my alleged  
5 involvement in the letter, which wasn't true, I  
6 think he himself may not have been a part of  
7 that first call or series of calls, and I think  
8 that's what he was up against.

9 Q. Do you remember that that he was not  
10 part of that in the beginning?

11 A. I remember he was upset about one  
12 aspect of the article he had taken out and I  
13 believe this was it. You know, exact groups, I  
14 told him the people I remembered. The days are  
15 blurred. I know at one point Peter -- Peter was  
16 involved but he may not have been part of that  
17 first series of calls.

18 Q. If you go to -- because if you go to  
19 some of the text that we were going through  
20 earlier, he is on some of them?

21 A. Yeah, but, you know, I think if you  
22 look through a lot of texts they got from me I'm  
23 on them, you know. Am I participating in them  
24 or others participating in them a lot more. I  
25 think -- I think it was the call. I think

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1       that's what it was disputed. You'd really have  
2       to ask him though but that's my memory.

3           Q. And tab 69 which we looked at earlier,  
4       we won't cover the same ground again, but about  
5       the letter, the earlier part of it talks about  
6       the "mean girls"?

7           A. Uh-huh.

8           Q. Was that a term that you had heard  
9       used "mean girls"?

10          A. No.

11          Q. You never heard of it?

12          A. No, I had not heard of it at the time,  
13       no. You do understand during that time I was in  
14       Albany a lot and this sounds like a lot of that  
15       happened in the city.

16          Q. I see. So you were -- you've always  
17       been officed in Albany?

18          A. I've gone back. I now travel back and  
19       forth much more than I used to. I was in the  
20       city office occasionally. Certainly haven't  
21       been the last year and change for reasons but I  
22       live in Albany, you know, my primary job has  
23       always been to deal with the Albany press corps  
24       so no, I hadn't heard this before I was asked  
25       about it.

1           Q. Pre COVID where did the governor spend  
2 most of his time?

3           A. Westchester and he worked out of the  
4 city office and about a year before COVID he  
5 moved to -- he moved to Albany full time.

6           Q. And then once he moved full-time  
7 though where -- once he moved to Albany full  
8 time is that where Melissa DeRosa, Stephanie  
9 Benton, and the other senior staff worked out of  
10 Albany?

11          A. Stephanie -- Stephanie lives in the  
12 Albany area as well and she traveled, yeah.  
13 Yeah, you know, mostly moved up here but in just  
14 flacking these stories, it sounds like a lot of  
15 a lot of this type of stuff was based out of  
16 stuff that happened a couple years ago when it  
17 was more city based.

18          Q. You have until prior to Ronan Farrows  
19 article you had not heard of the "mean girls"  
20 being used to describe certain people in the  
21 senior staff?

22          A. There were earlier articles than  
23 Ronan's.

24          Q. I see. Earlier articles but  
25 relatively close in time?

1           A. Uh-huh.

2           Q. Before that you had not heard people  
3 refer to as the "mean girls"?

4           A. No. And that's a characterization I  
5 would dispute personally but we can talk about  
6 that.

7           Q. I'm just asking you whether it's a  
8 term that you had heard --

9           A. Yeah, I know.

10          Q. -- used before?

11          A. I know. Okay.

12          Q. Do you know -- so when did you first  
13 meet Charlotte Bennett?

14          A. 20 -- late 2018, early 2019. It must  
15 have been when she first started.

16          Q. Okay. And how did you meet her?

17          A. She joined the briefing team and we  
18 traveled to an event together.

19          Q. And how much interaction did you have  
20 with her while she was working in the executive  
21 chamber?

22          A. Not very much. Not very much. I  
23 didn't really despite the fact I did cover an  
24 event up until recently, you know, the briefing  
25 team -- to the extent that the briefing team and

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1 the press team worked together, it usually based  
2 upon events that really wasn't anything I was  
3 part of planning in.

4 Q. She was -- and she was based in New  
5 York in the beginning, city?

6 A. I don't know where she was based out  
7 of.

8 Q. Would you -- did you have more  
9 interaction with briefers who were in Albany  
10 versus New York City or is it in your day-to-day  
11 you didn't have a lot of interaction with the  
12 briefings?

13 A. Didn't have a lot of interactions with  
14 them.

15 Q. And did you have occasion to observe  
16 her interactions with the governor?

17 A. I have not.

18 Q. You've never seen the two of them  
19 interact?

20 A. They were, again, only during that one  
21 trip where we flew, I believe, Jones Beach and  
22 Shirley Chisholm Park but she had just started.

23 Q. Uh-huh. And have you had any sort of  
24 conversations with Charlotte Bennett one-on-one?

25 A. I don't believe -- I don't believe I

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1 have.

2 Q. How about in group settings, have you  
3 spoken to her at all?

4 A. If I have they weren't really  
5 remarkable.

6 Q. And at some point she left the  
7 executive chamber, right?

8 A. Yes.

9 Q. Do you remember learning that she was  
10 leaving?

11 A. No.

12 Q. Okay. Did you learn about her leaving  
13 before her allegations about sexual harassment?

14 A. I heard she left but no.

15 Q. I see. So you just at some point you  
16 heard she left?

17 A. At some point I heard she left.

18 Q. And --

19 A. For a job at DOH or something. I  
20 vaguely remember a goodbye E-mail sent around.

21 Q. I see. Did anyone talk to you about  
22 it?

23 A. No.

24 Q. You just remember seeing her goodbye  
25 E-mail?

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1           A. Yes.

2           Q. And so did you have any knowledge  
3 about why she left?

4           A. No.

5           Q. Obviously you're not aware of the  
6 allegations she has made. Fair to say based on  
7 what we've talked about you don't have any  
8 personal knowledge about any of her interactions  
9 with the governor?

10          A. I do not, sir.

11          Q. And any -- actually so why don't we  
12 move to sort of when you first learned that she  
13 had or was going to make allegations, sexual  
14 harassment allegations against the governor,  
15 when you learned of that and how?

16          A. I got -- Jessie McKinley from the New  
17 York Times sent me and Peter an E-mail Friday  
18 night that I think the team started going  
19 through -- the team started going through for a  
20 story that I was going to publish sometime on  
21 Sunday.

22          Q. I see. So similar to some of these  
23 E-mails we've seen where he sends in an E-mail  
24 what they're going to say and essentially is  
25 asking for a response if any to particular?

1           A.    Correct.

2           Q.    So what did you do when you got that?

3           A.    I forwarded it to Melissa. I'm sure I  
4 forwarded it to Beth, Linda, Judy and Peter. If  
5 I didn't do it, Peter did.

6           Q.    And then what? Were there calls or  
7 what happened?

8           A.    There were conference calls,  
9 consultation with counsel, you know, where we  
10 thought -- where we thought -- where we started  
11 to try to get facts where we can get them and  
12 started to write the statement.

13          Q.    And was the governor involved in any  
14 of those discussions?

15          A.    I don't remember if he was on these  
16 particular group chat, group calls. Obviously  
17 he was consulted at some point, not by me  
18 though.

19          Q.    Did you learn whether what the  
20 Governor's position was with respect to the  
21 truth of the allegations?

22          A.    Not at that -- not at that time. We  
23 had a subsequent conversation. That subject  
24 that was with consultation with counsel.

25          Q.    I see. The conversation we talked

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1 about in the mansion preparing him for speaking  
2 publicly about it.

3 So other than that you didn't come to  
4 learn or what the Governor's position was with  
5 respect to the truth of the allegations?

6 A. The only instance -- the only instance  
7 where I heard the other side was in consultation  
8 with counsel.

9 Q. And did -- when -- did you ever learn  
10 that she had raised issues, you know, internally  
11 before going public with these allegations?

12 A. Only through -- only through the --  
13 only through the New York Times inquiry.

14 Q. I see. How about internally like from  
15 others in executive chamber?

16 A. No, not before this.

17 Q. I see. So right, right. So as you're  
18 dealing with the inquiry, the inquiry comes in,  
19 you get on calls. Do you at some point learn --

20 A. Yes.

21 Q. -- internally that actually she had,  
22 you know, this had come up before and someone  
23 had -- was aware of it, someone internally?

24 A. This -- I have an answer but this was  
25 during a conversation in consultation with

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1       counsel and I do -- I do have familiarity with  
2       their version of events.

3           Q.     Their version meaning the counsel's  
4       version?

5           A.     Correct.

6           Q.     So you -- you're not going to get in  
7       to the substance of what you learned but you  
8       didn't know about it before --

9           A.     Correct.

10          Q.     -- the New York Times saying here's  
11       something we're going to report?

12          A.     Correct.

13          Q.     And so that's the first you knew about  
14       either the reason for the move when she left the  
15       executive chamber or what was known prior to her  
16       going to the New York Times?

17          A.     Correct. I think there may have been  
18       a tweet out there with Lindsey but felt like she  
19       was tweeting -- she was tweeting at her on  
20       something.

21          Q.     Yeah.

22          A.     At the time I don't think I knew what  
23       the relevance of that was.

24          Q.     At the time, I think it was either a  
25       retweet or like or something that Charlotte

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1 Bennett did, did that come to your attention and  
2 did you do anything about it?

3 A. I didn't do anything -- it came to  
4 my -- it came to my attention as odd through  
5 somebody who used to work here but I didn't do  
6 anything about it.

7 Q. Did anyone consider reaching out to  
8 her or ...

9 A. I don't -- I don't know.

10 Q. You didn't discuss it with anyone?

11 A. I don't think so. I don't think that  
12 was relevant to me at the time.

13 Q. Okay. So if you can turn to tab 35 of  
14 that second binder.

15 By the way, before we turn to this, so  
16 what is -- what do you remember -- so you have  
17 outreach from the New York Times saying here's  
18 something we're going to say. You have group  
19 calls but with, you know, some of the same  
20 people, same counsel was there so we won't get  
21 into substance, what's the decision that's made?  
22 What do you guys -- what do you decide to do in  
23 response to the New York Times story?

24 A. I think we decided, you know, we need  
25 to have a statement, you know, it's -- it had to

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1       be sympathetic. We had to figure out the right  
2       -- we had to figure out the appropriate tone and  
3       I think a lot of that is, a lot of that is  
4       reflected in this chain.

5           Q. So if you look at tab 35 you see it's  
6       a statement. It's February 27 which is a  
7       Saturday.

8                  Do you remember this being over a  
9       weekend that you had to do this?

10          A. Yeah, he called us this on a Friday  
11       and the story published on a Sunday.

12          Q. Okay. And she drafts, it looks like a  
13       statement draft, Miss Bennett has every right to  
14       speak out.

15                  Second paragraph starts, when she came  
16       to me and opened up about being a sexual assault  
17       survivor dot dot dot, this is sort of in first  
18       person.

19          A. Uh-huh.

20          Q. Was this intended to be a statement  
21       that was to come from the governor?

22          A. Yes.

23          Q. Is that what you remember about it  
24       being drafted like a statement from the  
25       governor?

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1           A. Yes, I believe that's what ultimately  
2 went out I think.

3           Q. Yeah, I believe so. If you look at  
4 tab four of the -- you don't need to look at it  
5 but binder three, there's a statement.

6           Is it your understanding that this  
7 statement had been run by the governor himself  
8 as coming from him?

9           A. It would have had to have been.

10          Q. But you were not part of the --

11          A. No, I don't believe I made the call on  
12 this one.

13          Q. Okay. And then the statement from  
14 Beth Garvey, you see that?

15          A. Yes.

16          Q. And this is and were you part of  
17 drafting that?

18          A. I was, you know, I was part of this  
19 chain. I gave -- I gave -- I gave some  
20 suggestions to it. I made some -- I believe I  
21 made some edits but, you know, I generally  
22 agreed with the tone and of the substance.

23          Q. But with respect to what Beth  
24 Garvey -- with respect to any of it you did not  
25 have any personal knowledge about either the

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1 interactions with the governor or the matter  
2 being escalated to special counsel at the time  
3 and the transfer request, the subject of Beth  
4 Garvey's statement?

5 A. I did not but again, there were  
6 conversations and consultation with counsel to  
7 try to drill down to the facts as we knew them  
8 and I believe that these statements are  
9 reflective.

10 Q. Okay. So staying on tab 35, you see  
11 Chris Cuomo is included in this chain?

12 A. Yes.

13 Q. Was he also on calls that -- on this  
14 subject of Charlotte Bennett?

15 A. I believe he was on at least one.

16 Q. And what comments or contributions did  
17 Chris Cuomo have?

18 A. I think he -- I think he generally --  
19 I think he generally agreed with the tone. I  
20 can't remember the substance.

21 Q. You'll see if you go to the next tab,  
22 tab 36, these also include draft statements?

23 A. Uh-huh.

24 Q. And it looks like it's early in the  
25 day and Saturday it's working its way through

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1 various people.

2 And on the third page of this E-mail,  
3 Saturday, February 27 at 8:05 a.m. Melissa sends  
4 an E-mail, a different approach, and there's a  
5 draft statement that is longer and different?

6 A. Okay. Yup.

7 Q. Where it talks about her being a  
8 victim of sexual assault, talking about a speech  
9 she gave on sexual assault. And then her  
10 sharing personal information with the governor,  
11 now regretting it, felt uncomfortable.

12 Do you know -- do you remember  
13 discussions about this version of the statement?

14 A. I don't remember discussions but my  
15 view is that this was the card that came with  
16 the final statement but it was split up.

17 Q. And do you know if this, the  
18 information contained in this version also came  
19 from the Governor?

20 A. I don't have direct knowledge if it  
21 did.

22 Q. If you look at tab 39. Now it's the  
23 following day, Sunday, and there's sort of  
24 another draft statement that's being discussed.

25 Do you know what lead to this second

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1 statement?

2 A. I think, you know, pick up,  
3 follow-ups, more stories, a sort of merging of  
4 the Times story about Charlotte Bennett versus  
5 like some hostile workplace stuff. I think it  
6 was all becoming a bit of feeding frenzy in a  
7 shnoz (phonetic). We're getting a lot of  
8 request for comment, I believed. So I think  
9 there was an attempt to put one clean thing out.

10 Q. And how did the process of drafting  
11 this statement occur? Same thing? Calls?

12 A. I think it was, yeah, I think it was  
13 calls, there were questions, there were  
14 discussions, there were copy edits, there was  
15 talk about substance all with counsel.

16 You know, and I believe some version  
17 of this went out. I think some version of this  
18 went out.

19 Q. Yeah, if you look at tab six of  
20 your -- of the other binder, tab binder three?

21 A. Okay.

22 Q. How -- how involved was Chris Cuomo in  
23 these -- in this statement?

24 A. I mean he gave advice. I think, you  
25 know, he had general advice about tone, about

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1 how aggressive or not aggressive you should be  
2 in responding. You know, he's the Governor's  
3 brother. You know, I'll stop before I stick to  
4 my commentary because I think I just want to  
5 answer your next question -- ask your next  
6 question.

7 Q. Yup. Can you turn to tab 45 in the  
8 first binder.

9 MR. E KIM: Also, Joon, whenever you  
10 hit a natural point if we can take a brief  
11 break.

12 MR. J KIM: Probably like five  
13 minutes?

14 MR. E KIM: Sure.

15 MR. J KIM: Okay.

16 THE WITNESS: I don't know if we have  
17 a 45. We have a 44 and 49.

18 MR. J KIM: In binder one you don't  
19 have a 45?

20 MR. E KIM: Correct.

21 MR. J KIM: Hyatt, can we put up 45?

22 Q. So this is, I think looks like a text  
23 to you and others. You and Melissa from [REDACTED]  
24 [REDACTED]?

25 A. Yes.

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1 Q. This is [REDACTED]?

2 A. [REDACTED]

3 Q. And how well do you know [REDACTED]?

4 A. He is a longtime friend.

5 Q. How do you know him? When did you  
6 meet him?

7 A. I think I met him before I met  
8 Melissa. During -- through living in Albany.

9 Q. Okay. Did you ever -- just friends or  
10 work together or --

11 A. Friends. No, friends.

12 Q. And if you look at the second page of  
13 this, talks about -- he sends a link to a tweet  
14 involving Charlotte Bennett and then -- if you  
15 go to the next page, Hyatt, there's a long --

16 A. Yup.

17 Q. -- thing he writes about Brazilian  
18 jujitsu and other things.

19 Q. Do you remember receiving this?

20 A. Yes, and I believe Melissa called them  
21 and said your heart is in the right place but  
22 stop sending this stuff, you know.

23 Q. What was this?

24 A. Some is a pep talk, some of it's  
25 things to look into. I don't know, man, you

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1 know, there's a lot of stuff flying around the  
2 Internet. I was getting barraged by free advice  
3 from a lot of people. He's a very good guy who  
4 I think was trying to be helpful.

5 Q. So the things to look into, it looks  
6 like from the bottom, it says, please have  
7 someone look into Charlotte [REDACTED]  
8 [REDACTED], see that?

9 A. Yup.

10 Q. And that's a reference to Charlotte  
11 Bennett having [REDACTED]  
12 [REDACTED]?

13 A. I actually don't know.

14 Q. Were you aware that she had been a  
15 victim of sexual assault?

16 A. Yes.

17 Q. You were also aware that that's what  
18 the subject of conversations she had with the  
19 governor?

20 A. So I've read.

21 Q. And did you -- did you have someone  
22 look into any sexual assault allegations that  
23 Charlotte Bennett had made in college?

24 A. No.

25 Q. Do you know if anyone else did?

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1           A. I don't believe so but I don't know.

2           Q. Did you talk to anyone about looking  
3 into her experiences in college?

4           A. No.

5           Q. How about looking into other things  
6 about her?

7           A. No.

8           Q. You did not -- you did not have any  
9 conversations with anyone?

10          A. I did not have any conversations.

11          Q. Do you know what opposition research  
12 is?

13           MR. J KIM: We can take down this.

14          A. I do, sir.

15          Q. What's opposition research?

16          A. Trying to do research usually in the  
17 context of political campaigns on information  
18 that can potentially be damaging to your  
19 opponents.

20          Q. And did you do any such kind of  
21 opposition research or as you put it,  
22 researching for damaging information against  
23 Charlotte Bennett?

24          A. I did not.

25          Q. Do you know if anyone did?

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1           A. I assume not.

2           Q. Why do you assume not?

3           A. I just don't think they would and can  
4 I go back to [REDACTED] for one second?

5           Q. Sure.

6           A. Again, we told him -- we told him to  
7 stop sending us stuff like that. It's not  
8 helpful. If you notice we didn't respond.

9           Q. So the question again, why do you  
10 think no one would have looked into Charlotte  
11 Bennett?

12          A. I guess I don't know but I certainly  
13 didn't. I never had conversations with him  
14 about it, with anybody about it.

15          Q. How about Lindsey Boylan?

16          A. You saw -- I mean I think you saw we  
17 looked into Lindsey.

18          Q. Right. How about any of the other  
19 complainants? Do you know if anyone had done or  
20 any discussions about opposition research on  
21 them?

22          A. I have not been involved with any such  
23 discussions and I don't believe I've heard any  
24 such discussions.

25          Q. How about the investigators in the --

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1       in the current investigation?

2           A.     Excuse me?

3           Q.     How about opposition research into the  
4       people who have been appointed to conduct the  
5       investigation on behalf of the attorney general?

6           A.     And to you, Counselor?

7           Q.     Or anyone on our team?

8           A.     I don't remember being involved in any  
9       such conversations.

10          Q.     Are you aware whether anyone was asked  
11       to do that?

12          A.     I am not.

13          Q.     Are you aware whether Steve Cohen was  
14       asked to conduct opposition research into any of  
15       the other lawyers appointed to do the  
16       investigation?

17          A.     I am not.

18          Q.     You were not part of any such  
19       discussions?

20          A.     Not that I recall.

21          Q.     Has there been any reporters asking  
22       you that question whether anyone had --

23          A.     No.

24          Q.     -- corrected opposition research into  
25       the lawyers assigned to do the investigation?

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1           A.     No, no reporters asked me that  
2 question.

3 Q. How about opposition research into the  
4 attorney general?

5 A. Nope.

Q. I think we can take a break here?

7 A. Okay.

8 MR. J KIM: Come back in 2:55.

9 MR. E KIM: Sure.

10 THE VIDEOGRAPHER: Stand by. Time is  
11 2:47 p.m. We are going off the record.

12 This will end media unit number four.

13 | (Short recess taken)

14                   THE VIDEOGRAPHER: The time is  
15        2:56 p.m. We are back on the record. This  
16        will be the start of media unit number  
17        five, Counsel.

18 Q. Do you remember at some point  
19 receiving inquiries about a person who was at  
20 Gareth Rhodes wedding who was -- said that the  
21 governor had touched her in a way she -- that  
22 made her feel uncomfortable?

23           A.     Yes, Peter -- Peter I believe actually  
24     made that inquiry. I am aware of it.

Q. So you're aware of it but Peter was

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1 primarily dealing with that?

2 A. Uh-huh.

3 Q. So if you want to look at tab 42 in  
4 binder two?

5 MR. E KIM: I think we have a gap  
6 there. Joon, we have 39 and 44 we got.

7 MR. J KIM: Okay. Maybe we just put  
8 up 42, Hyatt.

9 Q. Maybe we just start with the first  
10 E-mail at the bottom from New York Times, Jessie  
11 McKinley. So when something like this comes  
12 in -- you want to scroll up -- and Peter says, I  
13 think we have to refer to yesterday's statement.  
14 How does it work like? You and Peter both get  
15 it. Do one of you talk about and decide who  
16 runs with it?

17 A. I think a lot of it has to do with  
18 triage. I was probably dealing with something  
19 else when it came in.

20 Q. Okay. Anything you remember about the  
21 back and forth in terms of how to respond to  
22 this one?

23 A. Not particularly. I mean this one --  
24 this one -- this one was just odd.

25 Q. Any discussions with Gareth Rhodes

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1 about it?

2 A. I -- if they were, they were brief. I  
3 subsequently learned the woman in question was a  
4 good friend of his wife's, you know.

5 Q. Uh-huh.

6 A. So I'm sure he wasn't happy. His  
7 wedding was on the front page of the paper, you  
8 know.

9 Q. Are you friendly with Gareth Rhodes?

10 A. Yes.

11 Q. Any discussions about Gareth Rhodes or  
12 his wife coming out in support of her friend who  
13 was at the wedding?

14 A. No, we saw it. I mean, I don't  
15 remember him but I do know his wife who was  
16 supportive, you know. I wasn't going to  
17 harangue him and put him between us and his  
18 family.

19 Q. Do you know if anyone -- anyone else  
20 did?

21 A. I don't know.

22 Q. How about Karen Hinton when her  
23 allegations came out? Is that something you  
24 were dealing with?

25 A. The Washington Post story, I think

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1 Peter dealt with that but, you know, I'm aware.

2 Q. What do you remember about how you  
3 learned about it and what you did in response?

4 A. This was a Josh Dawsey story from the  
5 Washington Post, came in in and around the same  
6 time as that Wall Street Journal story about Ana  
7 Liss. I think it was the same weekend day. I  
8 took that one. Peter took the other one. We  
9 were both involved in the responses. You  
10 know --

11 Q. Why don't you turn -- we can drop this  
12 document, Hyatt. Why don't you turn to page  
13 seven of binder one.

14 A. All right.

15 Q. By the way, it looks like this in one  
16 but in other E-mails sometimes you draft things  
17 either draft statements or things and send it to  
18 yourself. Is that something you do in practice  
19 or what is -- what is that?

20 A. Usually when this happened especially  
21 in a weekend at home, if I'm going to type  
22 something, sometimes especially if it involves  
23 links or something else, it's easier if I work  
24 on it on my iPad which is not a government issue  
25 iPad. It's my personal iPad and then I send it

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1 back.

2 Q. So this is -- these are drafts  
3 statements and things that you are working on  
4 and then in order to have it with your -- at  
5 your work computer you E-mail it to yourself?

6 A. Uh-huh. Also looking at this, this  
7 sort of thing, read this, global this, global  
8 this, I was likely pulling up past statements on  
9 my iPad. And sending them to my work, getting  
10 them in one order, getting them in a nice order  
11 and sending them to my work phone.

12 Q. And like this type -- this thing where  
13 you write where re Karen, you have a draft  
14 statement, work global, work environment you  
15 have a statement, language male staff attributed  
16 to governor, is this something that you were  
17 just drafting by yourself or do you think this  
18 was again, or not again, whether this was at the  
19 same time or after discussions with others?

20 A. This one could be either. If I'm  
21 looking at the E-mail, it looks like I got the  
22 inquiry from the Washington Post. At some point  
23 it was Peter was quoted in the Washington Post  
24 so I must have handed this off at some point  
25 while I dealt with the other story.

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1           Q.    But you draft the statement, male  
2        staffers attributed to the governor. I've been  
3        here more than eight years and I never heard him  
4        use coarse language like that. That's a  
5        reference to you, right? You'd been there over  
6        eight years?

7           A.    Correct.

8           Q.    And coarse language like that I think  
9        is the reference on the earlier page to two male  
10       aides who worked for Cuomo over the course of  
11       his career saying that he berated them with  
12       explicit language sometimes calling them pussies  
13       and sometimes saying you have no balls?

14          A.    Correct.

15          Q.    So you've never heard him say someone  
16        doesn't have balls?

17          A.    I never heard him use vulgar language  
18        like that.

19          Q.    Okay. My question was, have you ever  
20        heard him say that people didn't have balls?

21          A.    I'm sorry, I thought that was covered  
22        in my answer, no.

23          Q.    Okay. And is the fact that you've  
24        never heard it that to you it's your belief he  
25        never said it to anyone?

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1           A. I can't say he didn't say anything  
2 that I wasn't around for but that was the best  
3 response I had considering how can you -- even  
4 if you asked him how can he recollect, how can  
5 he recollect everything he said in his entire  
6 life.

7           Q. Well --

8           A. That --

9           Q. -- did you -- sorry. Go ahead.

10          A. And that was the best context. I  
11 believe -- I believe he was asked and he  
12 certainly didn't remember that but a blanket  
13 denial without a -- a blanket denial to  
14 something that doesn't have any sort of context  
15 to it or something to track down like I don't  
16 know what that would have done, you know, or if  
17 that was -- I thought -- I thought the much more  
18 defensible plause (phonetic) was me and my  
19 personal experience.

20          Q. So did you -- do you remember  
21 specifically asking him whether he had ever said  
22 anyone had no balls?

23          A. It was either me or someone else ran  
24 this past him. I can't remember who.

25          Q. I'm looking through some of these

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1 other documents to see if it's worth showing  
2 you.

3 124 if you can go to tab 49. This one  
4 relates to Karen Hinton?

5 A. 49 binder two.

6 Q. Yeah, sorry.

7 MR. E KIM: Okay. Binder two, tab 49.

8 Okay.

9 Q. This looks like an E-mail where Amy  
10 Brittain sends you again sort of points about  
11 Karen Hinton?

12 A. Uh-huh.

13 Q. And she had made an allegation about  
14 when Governor Cuomo was HUD secretary about how  
15 a hug that they had in a hotel.

16 Do you remember that?

17 A. Yup.

18 Q. And you have drafted a response re  
19 Karen Hinton, this did not happen. Karen is a  
20 known antagonist of the governor who is  
21 attempting to take advantage of this moment to  
22 score cheap points with made up allegations in  
23 21 years ago. All women have the right to come  
24 forward and tell their story. However, it's  
25 also responsibility of the press to consider

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1 self-motivation. This is reckless.

2 Did you -- had you asked the governor  
3 whether he had ever hugged Karen Hinton in a  
4 hotel room?

5 A. I didn't ask him -- I didn't ask him  
6 directly. He was asked though I'm told.

7 Q. By who?

8 A. Probably by Melissa.

9 Q. And he said -- in your understanding  
10 he said he had never hugged Karen Hinton in a  
11 hotel room?

12 A. That's my understanding.

13 Q. And then there's -- there's the talk  
14 about the statement that the governor had  
15 issued -- you had issued about Ron Kim.

16 A. Okay.

17 Q. How did that come up, what was that  
18 about?

19 A. I'm sorry, the statement -- the  
20 statement I made about Ron Kim?

21 Q. Yeah.

22 A. Ron Kim went public about a phone call  
23 him and the governor had. He told -- he told  
24 mistruths and some lies in his version of that  
25 phone call. I was in the room when that phone

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1 call was made. I corrected it on the record.

2 Q. And what were the mistruths or lies?

3 A. Governor did not threaten to destroy  
4 him. The governor did not say to feel his  
5 wrath. You know, there were specific things  
6 that got repeated over and over and over again.  
7 It just wasn't true.

8 Q. Had you ever heard the governor  
9 threaten anyone?

10 A. No.

11 Q. Have you ever heard him say anything  
12 that's threatening?

13 A. No, I mean, I probably, I hear -- you  
14 know, I hear stories about it from the media  
15 about stuff happening but never in my presence.

16 Q. Have you heard of the recording where  
17 he compares people to -- says he'll compare  
18 people to child molesters?

19 A. That I became aware of.

20 Q. Did you hear it yourself?

21 A. I -- I heard it from the New York  
22 Times.

23 Q. Did you consider that call in any way  
24 to be threatening?

25 A. No.

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1           Q.    So in your mind saying that someone --  
2 you'll compare someone to a child molester is  
3 not in any way threatening?

4           A.    No, it was a -- it was a tough call.  
5 It was a tough call but, you know, context is  
6 everything.

7           Q.    The question is simply in your mind  
8 you did not consider calling saying that you'll  
9 compare someone to a child molester, if they  
10 don't do what you want, to be in any way  
11 threatening?

12          A.    There was a -- I have -- there is a  
13 distinction in my mind between threatening  
14 somebody and having a tough conversation with  
15 them. My version of that call was the latter.  
16 My answer to that one is no. I can talk more  
17 about it but I have a feeling you don't want to  
18 hear about it.

19          Q.    Sure, you can tell more about -- you  
20 can talk more about how you think that's not  
21 threatening?

22          A.    The context of the call was the WFP  
23 saying, okay, okay, elect -- primary is over,  
24 you have the line but, you know, anybody who  
25 asks I'm going to say, well, you're not -- he's

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1 like, at least he's not the republican after  
2 them running around the state for a year  
3 questioning his democrat bona fides and his  
4 progressive bona fides. They're going to say  
5 fine, you can have the line but, you know, if  
6 anybody asks we're going to say, well, at least,  
7 you know, he's like this, much better than a  
8 republican, you know, and he made a comparison  
9 that, you know, was what it was. I don't think  
10 it was a threat but I think it was a -- I think  
11 it was a demonstration of how offensive he heard  
12 them.

13 Q. So in that context because he compared  
14 them to a republican, a response of saying that  
15 you will -- compare you to a child molester is  
16 not in any way threatening in that context in  
17 your mind?

18 A. Yes.

19 Q. Would you consider that bullying?

20 A. I consider that being forceful.

21 Q. Okay.

22 A. And I would consider that on the side  
23 of disproportional but --

24 Q. You would not consider it bullying?

25 A. I would not consider it bullying. If

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1       these -- if these -- these are people -- these  
2       are people who oppose us every cycle, we're not  
3       bullying them.

4           Q.     Have you heard the governor in your --  
5       from your -- in your view bully anyone?

6           A.     I don't believe he's a bully.

7           Q.     So someone opposes you in every cycle  
8       it's not bullying to say you'll compare them to  
9       child molesters?

10          A.     Again, he was pointing out, he was  
11       pointing out how crazy they thought -- he  
12       thought their statement was. It was a  
13       disproportional response maybe.

14          Q.     But not bullying?

15          A.     It's not -- it's not -- being forceful  
16       is not bullying.

17          Q.     Being tough and forceful, that's all  
18       it is, right?

19          A.     Yes.

20          Q.     When did you learn about Ana Liss's  
21       allegations?

22          A.     When Jimmy Vielkind's from the Wall  
23       Street Journal called me.

24          Q.     Okay. What do you remember him  
25       saying?

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1           A. I remember -- I remember saying I  
2 thought that was -- I remember in my mind, wow,  
3 it's strange. We had a conversation where she  
4 said the opposite but I listened to what he had  
5 to say.

6           Q. And then what did you do?

7           A. Got the team together, we talked about  
8 a response with counsel.

9           Q. Actually can we go back -- sorry,  
10 there's another document I wanted to show you on  
11 Karen Hinton.

12           If you can turn to tab 26 on binder  
13 one.

14           And this may overlap between Ana Liss  
15 and Karen Hinton.

16           A. Yes.

17           Q. This is a chat exchange between you  
18 and Melissa DeRosa. It looks like you say, we  
19 have a -- we have what looks like a screenshot  
20 of a phone that gets cut off.

21           It says, can you call something and in  
22 response call █ and she did not, left a message  
23 and do you -- do you recognize that and do you  
24 remember what that was and what the cutoff parts  
25 may be?

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1           A.    Are you asking me what the screenshot  
2 was?

3           Q.    Yeah.

4           A.    It's me and her kidding around. She's  
5 very impatient. She -- I was calling the editor  
6 of the Washington Post something about the  
7 piece. I can't remember what it was and she  
8 asked me repeatedly, did you call? Did you  
9 call? Did you call? Screenshot. Called him.  
10 She called. I'm sorry, I called four times in a  
11 row. She called. Then called again, then she  
12 texted me, then I sent her saying, hey lady, I'm  
13 doing my job, you know.

14          Q.    And what's -- who's █? Called █?

15          A.    I think there were definitely  
16 people -- there's people who worked with Karen  
17 Hinton at the time, at the time  
18 contemporaneously who she was very close with,  
19 who told her -- who said that she never said  
20 anything about this hug. So to the extent that  
21 the Washington Post was interested in talking to  
22 them we directed them to him.

23          Q.    That's █. And so who's --

24          A.    Yeah.

25          Q.    -- and they spoke K K, ask her to call

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1 [REDACTED] ?

2 A. [REDACTED] I believe is the chief of  
3 staff at HUD.

4 Q. I see. And you asked another HUD  
5 person and she says yes.

6 A. Uh-huh.

7 Q. And then the next page --

8 A. Now whether --

9 Q. Go ahead.

10 A. Sorry. So whether they did or didn't,  
11 I don't know.

12 Q. Now on the next page it says, gov  
13 called editor and she says text. I'm on with  
14 Vince.

15 A. Yes.

16 Q. What is that a reference to?

17 A. I was talking to either Josh or his  
18 cowriter mentioned the governor had talked to  
19 the editor.

20 Q. The governor called the editor?

21 A. Uh-huh.

22 Q. Of the Washington Post?

23 A. Whoever -- I think the editor who was  
24 on duty that day.

25 Q. I see. Do you know what he said?

1           A.    No. Wish I did.

2           Q.    Is that he did frequently, calling  
3 directly editors, papers?

4           A.    From time to time. On this one I  
5 don't know if it's somebody he knew back from  
6 the HUD days or anything. I just don't know.

7           Q.    And then on the next page you say,  
8 Jimmy reached out. Hostile workplace complaint  
9 from Ana Liss, not harassment but now think  
10 governor's actions are inappropriate.

11           So is this real time you're getting  
12 the call from Jimmy Vielkind and you're  
13 informing --

14           A.    Yeah.

15           Q.    -- Melissa about it?

16           A.    Yes.

17           Q.    So what did you do -- what did you do  
18 about Ana Liss's allegations?

19           A.    Same thing I believe. We all got on  
20 the phone, we talked this through.

21           Q.    Same group?

22           A.    Similar, yeah. Maybe a person or two  
23 less.

24           Q.    Do you know if you decided to respond  
25 in any way?

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1           A. I believe we did respond.

2           Q. Then at some point after that did you  
3 come to learn that one of the executive  
4 assistants in Albany had alleged that the  
5 governor had touched her in the mansion?

6           A. Yes.

7           Q. How did you learn of that?

8           A. Another press inquiry, this one from  
9 the Times Union.

10          Q. And prior to the Times Union inquiry  
11 to you had you heard anything about that?

12          A. Not a thing.

13          Q. Okay. So what do you remember  
14 receiving?

15          A. Got a call saying that somebody made a  
16 complaint within the last day or so and went in  
17 and consulted the counsel.

18          Q. And did you have an understanding or  
19 did you gain an understanding of who it might  
20 be?

21          A. Yes.

22          Q. Who?

23          A. Brittany Comisso.

24          Q. And did you know Brittany Comisso?

25          A. Not well.

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1 Q. Had you -- how often had you seen her?

2 A. She was an executive assistant during  
3 COVID. She sometimes ran the nurses station  
4 when she wasn't an assistant in the pool.

5 Hello, goodbye, that's it.

6 Q. Any conversations you've had with her?

7 A. Hello, goodbye.

8 Q. Had you ever seen any interactions  
9 between her and the Governor?

10 A. Nothing notable.

11 Q. And so what did you give consultation  
12 including with counsel and then what did you  
13 decide to issue a statement?

14 A. I think eventually that one was  
15 responded to by the governor's attorney.

16 Q. Governor's private attorney?

17 A. Correct.

18 Q. Let me show you tab -- by the way, did  
19 you do anything to -- let me step back.

20 Do you have any personal knowledge of  
21 the allegations made by that complainant?

22 A. I do not.

23 Q. You do or do not?

24 A. I do not.

25 Q. Okay. And did you do anything to

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1 inquire about the truth of her allegations?

2 A. I believe at a certain point, you  
3 know, I alerted the right people at a certain  
4 point this guy handed over to the governor's  
5 attorney for them to work out.

6 Q. So if you look at tab 54 --

7 MR. E KIM: What volume? Binder one?

8 MR. J KIM: Sorry. Binder two.

9 MR. E KIM: Tab 54?

10 MR. J KIM: Yeah, 54.

11 Q. There's an E-mail from Stephanie  
12 Benton at the bottom. It says, as I said  
13 yesterday, I've never done anything like this.  
14 The details of this report are gut wrenching and  
15 completely untrue. I'm not allowed to defend  
16 myself publicly because of the review but I'm  
17 confident in the result of the attorney  
18 general's report.

19 Do you see that?

20 A. Uh-huh.

21 Q. And it comes from Stephanie Benton.

22 A. Uh-huh.

23 Q. What was your understanding of what  
24 this was?

25 A. This was probably something from the

1 governor.

2 Q. Was it common for E-mails from the  
3 governor to come from Stephanie Benton?

4 A. I wouldn't say so but in this one, I'm  
5 sure they wanted to get something in front of  
6 the group.

7 Q. Right. So your understanding this was  
8 something being sent to you as a possible  
9 statement that the governor would issue?

10 A. Something to get an opinion on.

11 Q. Okay. And Steve Cohen says, take out.  
12 Completely untrue. Rich A version. See that?

13 A. I must have spitballed something as a  
14 starting point but eventually got handled by his  
15 attorney.

16 Q. Do you know why he said take out,  
17 completely untrue?

18 A. I don't know.

19 Q. And you said --

20 A. I think, I believe --

21 Q. Go ahead.

22 A. -- that was probably -- it was  
23 probably the lawyer and him probably talking.

24 Q. And you said you had spitballed a  
25 statement.

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1                   Did you -- did your statement include  
2 a denial of the allegations?

3                   A. I can't remember. Is there a record  
4 of it?

5                   Q. I'm not sure if we've seen it but --

6                   A. Okay. Maybe I said something over the  
7 phone, maybe I said something to someone at  
8 another medium, but again, eventually it got  
9 taken out of our hands and the lawyers just  
10 dealt with it.

11                  Q. How did you know that they were  
12 untrue?

13                  A. Somebody talked to the governor. He  
14 denied it.

15                  Q. You heard that, you heard that he  
16 denied it?

17                  A. Yeah, and I believe we said as much.

18                  Q. Do you know if anyone had asked her?

19                  A. At that point she had gotten her own  
20 attorney, Mr. Kim.

21                  Q. This is the question --

22                  A. And I believe --

23                  Q. Do you know -- and?

24                  A. I believe there was --

25                  Q. Sorry --

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1           A. I think someone did talk to her  
2 attorney, attorney to attorney. I don't know  
3 the contents of that information.

4           Q. And do you know what report if any was  
5 made of this allegation?

6           A. We had an -- we had an obligation to  
7 inform them that if this is a, if this was an  
8 allegation of a physical crime to inform the  
9 attorney of their right to file a police report.  
10 They denied it from what I understand. And I  
11 believe our counsel contacted Albany police to  
12 alert them of the existence of the allegation.  
13 I believe they went back, my reading from press  
14 reports and from what I think being thrown  
15 around at the time was APD reached out to the  
16 attorney and they declined to file a criminal  
17 complaint.

18           Q. How did you learn all this?

19           A. Some of it APD said publicly, some of  
20 it I believe I was told while we were -- while  
21 we were considering facts.

22           Q. If you look at tab 47 of binder one.

23           A. When this is all over, Mr. Kim, I'd  
24 love to know, I'd love to know what the process  
25 was for determining the numbers here.

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1           Q. There's nothing scientific. We were  
2 putting together documents that might we might  
3 show you and -- and we have obviously gotten it  
4 from multiple sources, so it's a little all over  
5 the place. We wanted to keep the sourcing the  
6 same and as opposed to chronological. And one  
7 set, binder one is stuff from you. Binder two  
8 is stuff from others. Binder three is media so.  
9 There is --

10          A. Well --

11          Q. There is a method to the madness.

12          A. Fair enough. Okay. I'm on -- I'm on  
13 41.

14          Q. 47?

15           MR. E KIM: 47.

16          Q. Binder one?

17           MR. E KIM: I don't know if we have a  
18 47 in that one.

19           MR. J KIM: Okay. Can we put that one  
20 up. You know what, sorry. Hold on. Is  
21 that 47? My 47 is, my 47 is a Thursday,  
22 March 11 text from Rich to Beth Garvey and  
23 Melissa DeRosa, RA 1929. Yeah.

24          A. Uh-huh.

25          Q. So you write, I heard from a person

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1 familiar that Beth called the Albany police  
2 yesterday and pushed them to open a criminal  
3 investigation to alleged incident in the matter.

4 I feel very confident in the source and am  
5 writing a story. Please call.

6 You are conveying a message from a  
7 reporter, right?

8 A. Either Brendan Lyons or Jimmy Vielkind  
9 or Jessie McKinley or all three called me at the  
10 same time though I think Brendan Lyons called me  
11 first.

12 Q. So you're reporting what you're  
13 hearing and then Beth Garvey is responding  
14 saying, push does not accurate?

15 A. Yes.

16 Q. As required by policies and protocols.  
17 [REDACTED] was -- they referred to complainant's  
18 attorneys. Melissa add (phonetic) routine alert  
19 following state mandated procedures.

20 Then once you have this exchange then  
21 did you call -- would you call the reporters and  
22 convey this information?

23 A. I believe I did and there was some  
24 formal statement we put together too, I think  
25 probably from Beth Garvey.

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1           Q. Yeah, I think it's tab 11. That same  
2 binder, binder one?

3           A. Okay. Yup.

4           Q. This is again you working, you must be  
5 on your own iPad or something and writing to  
6 yourself?

7           A. Correct.

8           Q. And if you can go to tab 55 in binder  
9 two?

10          A. I mean you're keeping all the good  
11 stuff, Counselor.

12          Q. Huh?

13           MR. E KIM: We're missing 55.

14           MR. J KIM: Oh, man. 55 is a long one  
15 so Hyatt, you can put up 55 and go to --  
16 maybe it's not that long. This one is not  
17 that long.

18           Okay. It's a text chain, if we can go  
19 down to 540 at the bottom. It's the Bates  
20 number 540. Yup. You go up a little bit.  
21 Go up a little bit more.

22          Q. So this is a -- this is a chat chain  
23 that you are on. I think RA is you. This is  
24 given actually in a cleaner format and various  
25 people, I think LL is Linda Lacewell and Melissa

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1 DeRosa and various people.

2 And then there's a report about a  
3 shadow NY Gov Cuomo's office is conducting its  
4 own investigation into harassment.

5 And then if you scroll down there's a  
6 comment from the lawyer. The attorney of client  
7 has not filed a complaint asked that his name be  
8 withheld out of concern for viewing her identity  
9 should remain including governor's office and  
10 you write, I'm dealing with this.

11 A. Uh-huh.

12 Q. What do you -- what do you remember  
13 about this? What were you dealing with?

14 A. My recollection -- my recollection  
15 stuff started spinning in weird ways here.  
16 Generally speaking when you get a part of this  
17 as well, I believe it has to go through GOER as  
18 well. My conversation -- has to go through GOER  
19 as well. I do have a question about -- I do  
20 have a question about privilege.

21 MR. E KIM: Okay. Joon, do you want  
22 us to confer briefly on this?

23 MR. J KIM: Why don't we just stay on,  
24 you can go on mute.

25 THE WITNESS: That's fine.

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1                   MR. E KIM: Hold on a second.

2                   (Discussion held off the record.)

3                   A. Okay. Counselor, I was talking about  
4 Beth Garvey about how to deal with this. I was  
5 advised by counsel that the contents of that  
6 conversation are -- do fall under privilege but  
7 I think there was some changes in that time  
8 during the story that reflected our point of  
9 view.

10                  Q. And the "this" that you consulted with  
11 her on was this claim that the executive chamber  
12 was conducting its own investigation?

13                  A. Yes, which was a specious argument and  
14 there's some -- there was some back and forth  
15 but it is subject to privilege that I'd like to  
16 tell you about but I defer to counsel.

17                  Q. Okay. Then did there come a time when  
18 you learned of allegations that Kaitlin [REDACTED]  
19 was making?

20                  A. I didn't know her very well. I  
21 heard -- I saw that stuff in the context of the  
22 New York Magazine piece.

23                  Q. Did you know Kaitlin [REDACTED]?

24                  A. I met her maybe once or twice. She  
25 worked briefly in the downstate office when I

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1       was definitely at the upstate office.

2           Q. And any observations that you had of  
3       interactions between her and the Governor?

4           A. None.

5           Q. Did you have any knowledge about how  
6       she was hired?

7           A. No, not until the New York Magazine  
8       piece came out.

9           Q. And then how about why she left?

10          A. Nope.

11          Q. And then after the New York piece --  
12       the New York Magazine piece came out, did you  
13       have discussions with people about how she was  
14       hired?

15          A. Enough to formulate an answer in the  
16       piece.

17          Q. And who did you discuss that with --  
18       sorry.

19          A. I discussed it -- I'm sorry, I  
20       discussed it with the team -- I discussed it  
21       with the team. I discussed it with the team.  
22       We consulted with counsel's office and what was  
23       reflected in the piece I believe which was that  
24       she came highly recommended from [REDACTED] at  
25       a time when we were looking for new people.

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1           Q. And had you heard that the governor  
2 had seen her at an event?

3           A. Only in the context of the piece.

4           Q. If you look at tab 39, binder one?

5           A. Okay.

6           Q. This is this text chain. Liz Smith  
7 says, I can't hear anything. Melissa, don't  
8 speak. Are you on? Liz Smith says, looks like  
9 I lost it at the lumberjack.

10           Is this -- what is this a text chain  
11 while you're on a call?

12           A. Yes.

13           Q. Do you think this was for one of the  
14 group calls that you were having at this time?

15           A. This was -- this was -- we knew this  
16 New York Magazine piece was coming out. We knew  
17 it was going to be long. We knew it was going  
18 to be slanted towards one perspective, you know,  
19 and I -- while getting the facts I wanted  
20 Liz's -- I wanted Liz's 2 cents.

21           Q. And Liz says, on the second page, make  
22 it painful for her, guys.

23           A. Liz says that?

24           Q. You see at the top of page two?

25           A. This was the fact checker who was

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1 giving me very little time on the piece and just  
2 wanted to send me an E-mail. I wanted a phone  
3 call so we can actually discuss what was in the  
4 piece, figured there was some stuff we could  
5 knock out while in basic conversation for a  
6 reporter who is a fact checker who was writing a  
7 cover story about the governor, we all got very  
8 aggravated. She didn't want to talk, instead  
9 she wanted to send me an E-mail and give me an  
10 hour to respond. We all thought that was -- we  
11 all thought that not playing on a spool  
12 (phonetic).

13 Q. And make it painful for her as the  
14 reporter?

15 A. Make the fact checker.

16 Q. And then Liz Smith says, Rich, stop,  
17 you're being absurd. Find the right balance.

18 What is she talking about?

19 A. Well, you know, she'd say a sentence,  
20 I diagrammed the sentence. I'd asked her what  
21 she meant by that, asked her what she meant with  
22 this. I think you find common cause with her  
23 today, Counselor.

24 Q. Sorry. So this is -- what are you  
25 listening in on?

1           A. Nothing? You got nothing?

2           Q. I'm just neutral. Just want to -- I  
3 guess I'm trying to understand. Are Liz, you  
4 and Peter dialed into a call?

5           A. We're all talking. No. I'm on the  
6 phone with the New York -- with the New Yorker  
7 Magazine fact checker.

8           Q. You're actually on the phone and  
9 they're listening in --

10          A. They're listening because I want  
11 their -- I want their insight into and how to  
12 respond to this stuff and the person called, you  
13 know, she sent me an E-mail, didn't send me  
14 specifics. Just said I'll send you something in  
15 an hour. I called her back. I got her on the  
16 phone, I said can't we just talk? She was -- it  
17 was a reporter who refused to talk and then we  
18 finally got her to talk. And then yeah, I may  
19 have been cross examining some of what was  
20 getting reported a little bit more to the point  
21 where Liz said, I was, you know, I was talking  
22 too much.

23          Q. I see. So she's telling you stop  
24 that. That you were -- you were cross-examining  
25 her?

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1           A. Yes. I thought I was being perfectly  
2 fine for what it's worth.

3           Q. And then did someone else take over  
4 the call, Peter or Melissa?

5           A. No.

6           Q. Then Peter says, she's muting Rich's  
7 phone when she does that. Melissa, I can hear  
8 you. I guess Melissa was talking and were you  
9 guys in a room together or something?

10          A. We're in the room together, yeah.

11          Q. I see. And what is -- at the end of  
12 it Liz Smith's reactions, I'm having a panic  
13 attack. I can't breathe. What was going on?

14          A. Well, here's one of the things where  
15 it was -- where it paid to be on the phone.  
16 This is a front page New York Magazine story  
17 that was allegedly very highly -- it was very,  
18 very deeply reported.

19           I got my own opinions on the piece.  
20 And then -- and then they referenced and in the  
21 piece they referenced Linda Lacewell as Linda  
22 Lovelace if you look her up -- if you look  
23 earlier, I stopped her in her tracks and she got  
24 mortified.

25          Q. I see. So she you got -- she got

1 Linda Lacewell's name wrong?

2 A. Embarrassingly so.

3 Q. Can you go to -- can we go to --  
4 actually --

5 MR. E KIM: Joon, are you -- I guess  
6 when you hit a natural point, maybe we can  
7 take a brief break.

8 MR. J KIM: Yeah, I think this is a  
9 good time and then I think just to give you  
10 a heads up probably, if we take a  
11 five-minute break, maybe an hour more I  
12 think we'll been done by five.

13 THE WITNESS: Okay.

14 MR. J KIM: So I can't promise you  
15 know, but that's what it looks like.

16 MR. E KIM: Okay.

17 A. I'll do my best.

18 MR. E KIM: So 3:50 we'll get back on.

19 THE VIDEOGRAPHER: Stand by. The time  
20 is 3:46. We're going off the record. This  
21 will end media unit number five.

22 (Short recess taken.)

23 THE VIDEOGRAPHER: The time is  
24 3:56 p.m. We are back on the record. This  
25 will be the start of media unit number six.

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1 Counsel.

2 Q. Can you turn to tab 36 in binder one?

3 A. Okay.

4 Q. This is a text exchange between Marina  
5 Villenueve and you?

6 A. Well, it's pretty one-sided.

7 Q. Sorry. Yeah, all from -- all from her  
8 but it's to you?

9 A. Yes.

10 Q. Who is she?

11 A. She is a correspondent from the AP.

12 Q. And do you remember receiving this  
13 inquiry from her?

14 A. Not particularly.

15 Q. She asked --

16 A. If you look at my records she texts me  
17 a lot.

18 Q. She asks, why is the governor calling  
19 up lawmakers to warn calling for his resignation  
20 or could threaten the AG's investigation.

21 Is it your understanding that the  
22 Governor was calling law makers and saying that?

23 A. Not particularly. Did I have -- did I  
24 have a press request on this?

25 Q. Yeah, she asks --

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1           A. I know. I'm curious. She must have  
2 saw something on Twitter. That's usually where  
3 she gets her stuff from. They're the documents  
4 that refresh my memory on this.

5           Q. Not that I've -- I've seen or we've  
6 seen.

7           A. Okay.

8           Q. You don't remember inquiring about  
9 that or becoming aware that he was doing that?

10          A. I don't. Not to say I didn't get  
11 inquiries. I just don't.

12          Q. I guess my question is not whether you  
13 got inquiries but whether you knew, either  
14 checked with the governor or an executive  
15 chamber about whether he was doing that?

16          A. No.

17          Q. Because you don't know one way or the  
18 other?

19          A. I don't.

20          Q. Can you turn to tab 45 of the second  
21 binder.

22          A. Okay.

23          Q. And in response to the statement that  
24 Charlotte Bennett's concerns were treated with  
25 sensitivity and with respect and in accordance

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1       with the law and policy, Bernadette has a number  
2       of questions about Judy Mogul and Jill  
3       deRosiers's review?

4           A.    Uh-huh.

5           Q.    And also has the question to you or --  
6        sorry, to [REDACTED] copying you and Peter, why  
7        wasn't this complaint handled by GOER in the  
8        first place so the executive chamber break its  
9        own rules.

10                  Do you remember fielding that request?

11           A.    Vaguely.

12           Q.    And what did you -- what did you  
13        learn?

14           A.    I don't think -- I think -- I think  
15        that the decision was to let that question play  
16        out during this investigation, Counselor.

17           Q.    Did you inquire about whether the  
18        complaint should have been raised with GOER or  
19        reported to GOER?

20           A.    I had a conversation about this which  
21        was part of the initial response to Cheryl [sic]  
22        Bennett's initial complaint that was done --  
23        that was done with counsel.

24           Q.    So you are asserting privilege?

25           A.    I'm asserting privilege.

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1                   MR. J KIM: And let me -- Hyatt, can  
2                   you show 35106 is one of the documents we  
3                   got overnight from executive chamber.

4                   Q.     And similar theme this time from  
5                   Josefa Velasquez about the Cuomo administration  
6                   flouting its own harassment policies with  
7                   respect to GOER.

8                   Is it -- is it the same answer that  
9                   any discussions about that would be privileged?

10                  A.     Correct. Any discussions about that  
11                  with me about would be privileged.

12                  Q.     And then second question's about the  
13                  leaking of Lindsey Boylan personnel information  
14                  or the providing of it.

15                  Any discussions at this time in March,  
16                  in following up on requests like this that you  
17                  can talk about in terms of what you learned  
18                  about whether or not it's --

19                  A.     Ultimately I can't remember if i was  
20                  in response to this inquiry but ultimately and  
21                  on the record statements from Beth Garvey was  
22                  issued in consultation with counsel that  
23                  reflected the thoughts -- that reflected the  
24                  thoughts of the administration.

25                  Q.     Did you -- sorry -- let me just check,

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1 had you received --

2 MR. J KIM: We can take that down,

3 Hyatt.

4 Q. -- had you received inquiries from the  
5 media about the relationship between [redacted] Senior Staffer #1  
6 Senior Staffer #1 and the governor?

7 A. When?

8 Q. At any point?

9 A. One.

10 Q. Oh, one, sorry. I thought you said  
11 when. When?

12 A. This would be the [redacted] I  
13 believe.

14 Q. What did they ask?

15 A. They had some [redacted] as they described  
16 to us that showed something that turned out did  
17 not show and Senior Staffer #1 had to go -- and Senior Staffer #1  
18 had to go on the record denying a relationship  
19 with the governor. I know I keep my answers  
20 short but I imagine that was a mortifying  
21 experience for her.

22 Q. Have you heard of any rumors other  
23 than [redacted], that  
24 called you about the governor having a  
25 relationship with Senior Staffer #1 [redacted] ?

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1           A. Political opponents tried to shop this  
2 around in 2018. It's not true.

3           Q. How do you know it's not true?

4           A. I know. I asked her.

5           Q. What did you ask her?

6           A. I asked her if this was true.

7           Q. And what did she say?

8           A. It had been going around. She said  
9 absolutely not and it's also insulting and  
10 sexist for someone, written to someone to  
11 explain a way a woman getting in to a high power  
12 position like that she has to sleep with her  
13 boss.

14           Q. Have you asked the governor?

15           A. No.

16           Q. Are you aware of the governor having  
17 relationships with any -- any staffer or any  
18 state employee?

19           A. No, sir.

20           Q. Have you asked him?

21           A. We've -- I have.

22           Q. When did you ask?

23           A. When we had the deal with this New  
24 York Post story that was -- that was very, very,  
25 very flimsy.

1           Q.     Which New York Post story?

2           A.     The one about him and Sandra. Was  
3     about two months ago.

4           Q.     And what did you ask about him?

5           A.     For the conversation asked and we had  
6     to ask him directly and if he ever had -- if he  
7     ever had an inappropriate relationship or any  
8     relationship with the staffer. He said no.

9                 I may have asked him through his  
10   attorney. I just want to revise that. I'm  
11   sorry.

12          Q.     So you asked him through his attorney?

13          A.     I may have asked him -- we may have  
14   asked him through his attorney, yeah.

15          Q.     Which one?

16          A.     Rita.

17          Q.     Rita Glavin?

18          A.     Yeah.

19          Q.     Prior to that had you ever asked him  
20   or do you know if anyone asked him?

21          A.     Prior to that he was asked publicly  
22   and he said no.

23          Q.     Can you turn to tab 44 of binder two.

24          A.     Yup.

25          Q.     And this is an E-mail from Liz Smith

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1 or between you and Liz Smith and copying Danny  
2 Labor and Melissa DeRosa and Peter Jim in USA  
3 Today asking her whether she's part of the team  
4 advising Cuomo. She responds, this would be  
5 bad. You say, yeah, don't, and she says this  
6 would be bad for my credibility and yours.

7                  What did you understand her to mean?

8                  A. There was rumor that she was talking  
9 to reporters on the outside about what she  
10 thought about this and she didn't necessarily  
11 want people -- people knowing -- figured it  
12 would hurt her credibility if they thought that  
13 she was talking, if that she was also giving us  
14 advice at the same time. She's kind of giving  
15 us under tree (phonetic).

16                Q. I see. So was she also talking on the  
17 outside on the record or --

18                A. I think. No, reporters were calling  
19 her. Again, Mr. Kim, I go back to what I said  
20 earlier. Everybody in our world spends the  
21 entire day on the phone talking to each other.  
22 Probably not healthy but that's what we do.  
23 Reporters, people in my side of the world, you  
24 know.

25                Q. So was there a view better for both

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1       her and your credibility that it not be known  
2       that she's consulting?

3           A.     I mean, she's offering advice. I  
4       wouldn't call it consulting but that's obviously  
5       her view. I'm pretty agnostic towards it  
6       because she was part of us anyway and she seems  
7       part of us, you know, I'm not going to tell her  
8       how to do her business.

9           Q.     I know we've covered this ground in  
10      the context of other questions but let me ask  
11      you about your observations from being in the  
12      executive chamber the years that you have.

13                  First, about the governor's conduct.  
14      Have you ever seen him hug anyone?

15                  A.     Yes.

16                  Q.     In what context have you seen him hug  
17      anyone?

18                  A.     Guests, visitors, people he hadn't  
19      seen in a while, people at events.

20                  Q.     Staffers too?

21                  A.     Less so, he sees those guys every day.

22                  Q.     Sorry?

23                  A.     I said not really, he -- you know, he  
24      sees us every day.

25                  Q.     How about kissing?

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1           A. I've seen him kiss people on the cheek  
2 at events, staff -- not staff but like visiting,  
3 visiting people, social situations. I mean  
4 listen, he's the youngest of like the last  
5 generation of politicians that were a lot more  
6 back slapping, a lot more gregarious, a lot more  
7 courtly. I think he's actually addressed that  
8 times have changed, norms have changed and need  
9 to be more careful.

10           I slipped a little bit, add in,  
11 Counselor, you can keep going.

12           Q. Have you seen him kiss men and women?

13           A. I've seen him kiss men on the cheeks.

14           Q. Who?

15           A. Like guys he's known for 20, 30 years,  
16 you know.

17           Q. Like --

18           A. Like a Ken Dowling type, you know,  
19 like Michael -- Michael Dowling type or Al Gore.  
20 There is a picture of him in his office kissing  
21 Al Gore on the cheek.

22           Q. Have you seen him kiss anyone on the  
23 lips, in the mouth?

24           A. No.

25           Q. Have you heard of him ever kissing

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1 anyone on the lips or mouth or someone else  
2 seeing it?

3 A. No. To amend the last question, I  
4 suppose I have seen him kiss Sandra Lee on the  
5 lips.

6 Q. Any one other than Sandra Lee?

7 A. No.

8 Q. Have you heard -- have you seen anyone  
9 sitting on his lap?

10 A. No.

11 Q. And have you heard of anyone seeing  
12 that?

13 A. I heard that someone was spreading a  
14 vicious rumor about that.

15 Q. And what did you hear?

16 A. I heard there was someone saying that  
17 someone saw a staffer sitting on his lap at a  
18 Super Bowl party a couple years ago. I was  
19 there. I didn't see it.

20 Q. And where did you hear that that rumor  
21 was being circulated?

22 A. Press, during the height of the silly  
23 (phonetic) season --

24 Q. In the height of the what?

25 A. The silly season, the height of like

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1 us getting kicked in the teeth every day with  
2 like weird stories about hostile work place.

3 Q. Have you ever -- have you ever seen  
4 him with his head in the lap of any staffer?

5 A. No.

6 Q. And have you heard of anyone seeing or  
7 hearing anything like that?

8 A. No.

9 Q. Have you heard the governor commenting  
10 on people's appearance?

11 A. Personally me.

12 Q. What did he -- what did he say?

13 A. I hadn't seen him in a couple of  
14 months, he'd been down. [REDACTED]  
15 no joke.

16 Q. [REDACTED]

17 A. [REDACTED]

18 Q. And what did he say?

19 A. He was very impressed. [REDACTED]  
20 [REDACTED]  
21 [REDACTED].

22 Q. Other than you, have you heard him  
23 commenting on anyone's appearance?

24 A. No.

25 Q. Have you heard him -- go ahead.

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1           A. I'm sorry. It was like I heard many  
2 stories in the media about it. I personally  
3 haven't.

4           Q. Have you ever heard him refer to a  
5 staffer as being beautiful?

6           A. No.

7           Q. Have you heard anyone say that he had  
8 said that?

9           A. Only in the press.

10          Q. Do you know [REDACTED] is?

11          A. Yes.

12          Q. How do you know her?

13          A. She used to work with me.

14          Q. And did she ever say anything to you  
15 about the governor saying that to her?

16          A. No, I don't think she has.

17          Q. Where is [REDACTED] now?

18          A. Last I checked she was in the state  
19 education department.

20          Q. Have you heard of the governor -- have  
21 you heard the governor ever comment on people's  
22 clothing?

23          A. He tells me I need a shoe shine. You  
24 know, if I get a new pair of shoes or suit, he  
25 notices.

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1 Q. How about women?

2 A. I don't think I've -- you know, maybe  
3 occasionally he'd say oh, you look nice day but  
4 you know, nothing crazier than that.

5 Q. Have you ever heard him make any jokes  
6 or comments with sexual innuendos?

7 A. I have not. I have not in person both  
8 in loose private events and in the office, I  
9 just haven't.

10 Q. Has he ever commented to you about  
11 trying to develop a one line, a good one liners  
12 for him to use in press conferences or  
13 otherwise?

14 A. Yeah, I'm usually not that good at it.

15 Q. Did he ever suggest or say anything to  
16 the effect of, you should develop a line like,  
17 yeah, this is like sex without the orgasm or  
18 something of that nature?

19 A. No.

20 Q. You don't remember him saying anything  
21 like that?

22 A. No, I don't remember him saying that.

23 Q. Have you ever seen him or heard of him  
24 asking someone to sing a song?

25 A. No.

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1 Q. How about memorize song lyrics?

2 A. Nope. I've read a written report in  
3 regard to that but I have no knowledge.

4 Q. You mean press reports?

5 A. Yes.

6 Q. How about commenting on people's sex  
7 drive? Have you ever seen him or hear him say  
8 that?

9 A. No.

10 Q. Have you ever had -- heard him joke or  
11 say to people, can you find me a girlfriend?

12 A. Nope.

13 Q. Have you heard him comment on anyone's  
14 tattoos or tattoos in general?

15 A. Yeah, I guess some of the fortunate  
16 ones.

17 Q. What? Sorry. I couldn't hear you.

18 A. [REDACTED].

19 Q. [REDACTED]?

20 A. [REDACTED].

21 Q. [REDACTED]?

22 A. [REDACTED]

23 Q. And --

24 A. He wanted to know what they were and I  
25 explained to him [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. How about any comments he's made to  
6 anyone else about their tattoos?

7 A. I don't think -- I don't know anybody  
8 that has visible tattoos that are in our  
9 chamber.

10 Q. How about outside the chamber?

11 A. Sorry, Counselor, I have no idea.

12 Q. Are you aware of any instances where  
13 the governor met people and then asked that, you  
14 know, they find them through pictures and get  
15 them to come work in the executive chamber. You  
16 heard anything like that?

17 A. No, I have not.

18 Q. Have you heard him commenting on the  
19 size of his hands?

20 A. Have not. I read that report.

21 Q. Other than that?

22 A. No.

23 Q. Have you ever heard him yell at  
24 anyone?

25 A. He's yelled at me on occasion.

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1           Q.   About what?

2           A.   Oh, you know, some work products, I  
3   ran into disagreements with him in the past.  
4   Sometimes he yells, sometimes I yell.

5           Q.   Okay. Anyone else?

6           A.   Sure. I'm sure it's happened.  
7   Nothing crazy comes to mind.

8           Q.   How about get angry at anyone?

9           A.   I mean, I've seen him get frustrated.  
10   Absolutely.

11          Q.   Okay. To whom?

12          A.   To staff, to others around him, you  
13   know, but I mean, sir, he's a human too.  
14   Sometimes people get frustrated.

15          Q.   And you've said that you haven't seen  
16   him throw anything at anyone?

17          A.   I hadn't seen him throw anything at  
18   anyone. No apricots, no bananas, no pretzels,  
19   no household objects.

20          Q.   You haven't heard of it?

21          A.   I haven't heard of it.

22          Q.   What devices were you -- have you been  
23   issued by the executive chamber that you use?

24          A.   I get -- I have a BlackBerry that I  
25   use. I have a computer at my desktop and I have

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1       an iPhone that I don't -- that I rarely use. It  
2       stays at home. I use it -- I use. My  
3       BlackBerry is being serviced.

4           Q.     Do you still use a BlackBerry?

5           A.     I do.

6           Q.     And you use that to pin?

7           A.     Yeah, I'm not a huge pinner though. I  
8       mean, if I need to talk to him, I pick up the  
9       phone.

10          Q.     And do you know if your pin has been  
11       searched for documents responsive to our  
12       subpoena?

13          A.     Whether my pins have been searched?

14          Q.     Or your BlackBerry?

15          A.     My BlackBerry? My BlackBerry was  
16       actually was being serviced when that thing came  
17       through. Computer services has it. I don't  
18       know if they're able to pull anything off of it.

19          Q.     Service for because of problems?

20          A.     It's not working.

21          Q.     And did you ever get it back?

22          A.     I got a new one. At some point I  
23       believe to cooperate with your investigation  
24       everyone who had a BlackBerry had it taken and  
25       issued new ones. At that time I had issued a

1 new one.

2 Q. I see. And you don't know if your old  
3 one was searched?

4 A. I don't know if they were able to get  
5 anything off it. That was a question for  
6 computer services.

7 Q. But your personal iPhone was on, I  
8 understand it was on 30 day auto delete?

9 A. Correct.

10 Q. Is that right?

11 A. I said correct. Did you ask a  
12 follow-up?

13 Q. Yeah, I was saying is that right but  
14 we spoke over each other.

15 A. Yes, yes.

16 Q. And is that something that -- well,  
17 why did you have it on 30 day auto delete?

18 A. You know, I don't know. I forgot I  
19 had it. I believe four iPhones ago back when  
20 storage was an issue, I was running out of  
21 space. Realized that text messages were taking  
22 up a lot of my space. I put on the auto delete  
23 then and I think it's like three iPhones later,  
24 storage space is not really a problem anymore  
25 but it remained, you know, when phones get

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1 transferred, settings get transferred.

2 Q. Were there any policies that you were  
3 aware of within the executive chamber about  
4 document retention?

5 A. Yes.

6 Q. What -- what policies are you aware  
7 of?

8 A. The chamber -- the chamber had a  
9 document has a document retention policy that  
10 about 29 pages it's publicly available. It  
11 lists -- it lists all the documents that should  
12 be -- that should be preserved.

13 Q. And were you complying with those  
14 requirements?

15 A. I was to the best of my ability.

16 Q. What is it your understanding of what  
17 type of documents needed to be preserved?

18 A. Press releases, government orders,  
19 executive orders, documents and reports, things  
20 along those lines. Most of them I would say, I  
21 would say I'm probably not the proud custodian  
22 of any of those.

23 Q. But how about just exchanges with  
24 other people in the executive chamber about  
25 office business?

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1           A. We followed the state archive policy  
2 which was adopted by executive chamber that by  
3 and large E-mails are -- E-mails are the  
4 equivalent of post it notes.

5           Q. Meaning what?

6           A. Meaning I don't routinely save them.

7           Q. Were you the subject of any document  
8 holder or retention notices?

9           A. I was. Yes.

10          Q. When was that?

11          A. That was I believe -- I believe in --  
12 told to put my system about a year ago and  
13 change related to various civil suits related to  
14 pandemic.

15          Q. But when did you take your cell phone  
16 off of 30 day auto delete?

17          A. When -- well, I got the document  
18 request. I handed it to -- I sent it to the  
19 chamber counsel at the time. About a week later  
20 we had a call about it. He told me to check.

21           MR. E KIM: Richie, you shouldn't get  
22 into what he told you. Maybe you can just  
23 as a result of the conversation what you  
24 did.

25          A. As a result of the conversation --

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1 thank you, Ed -- as a result of the  
2 conversation, I checked my phone and auto delete  
3 was on which I wasn't aware of. I wasn't aware  
4 of it. I didn't remember until he told me to  
5 look for it.

6 Q. So it's recently in connection with  
7 our document request that you changed it to get  
8 rid of the 30 day delete?

9 A. Yes.

10 Q. During the period prior to that when  
11 you were on a document hold, it had been getting  
12 deleted automatically?

13 A. Yes, but the litigation hold was just  
14 for my E-mails.

15 Q. It didn't include text?

16 A. Nope. And I wasn't formally aware of  
17 the litigation for quite sometime.

18 Q. And who had issued the litigation  
19 hold?

20 A. [REDACTED] our former counsel.

21 Q. This was in connection with the  
22 various investigations in to nursing homes,  
23 things like that?

24 A. No.

25 Q. What was --

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1           A. This was, I believe it was -- again  
2 you should talk to her because I'm not a lawyer  
3 here but I was told it was a civil hold in  
4 relation to perspective lawsuits.

5           Q. About?

6           A. So COVID. COVID pandemic, like  
7 purchasing, procurement, anything else that may  
8 come up. I was told that it was a proactive  
9 step she took, not in direct relation to any  
10 particular suit.

11          Q. So you have not received any retention  
12 notice in connection with, for example, the  
13 nursing home related investigation?

14          A. I don't believe I'm a party to any of  
15 that investigation, sir.

16          Q. Or any other investigation that's  
17 going on other than ours?

18          A. You guys are number one.

19          Q. Is there anything else that you think  
20 might be relevant to our investigation that you  
21 know you'd like to tell us? And also as I said  
22 at the beginning, give you an opportunity to  
23 make a statement on the record or I'll start  
24 with, is there anything else other than any  
25 potential statement?

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1           A. I don't want to make my lawyer  
2 nervous, sir. I'm okay.

3           Q. He doesn't get that nervous easily,  
4 Ed, so.

5           A. I know.

6           Q. How about do you want to make a  
7 statement of any kind?

8           A. I don't think so. I think everything  
9 I would have said I happened to slip into the  
10 testimony.

11           Listen, I'm proud of the work I've  
12 done here. I'm proud of the people here. I'm  
13 proud of the -- I'm proud of what we've done for  
14 the people of New York.

15           I do think there are some -- I do  
16 think some of these complaints are politically  
17 motivated and are driven. I think I made those  
18 points a couple times today. I won't repeat  
19 every last instance to you. I think you  
20 understand what my perspective is.

21           Q. You've said some of them are  
22 politically driven. You clearly said a number  
23 of times, Lindsey Boylan's. Who else do you  
24 think is politically driven?

25           A. Well, I think Karen Hinton is writing

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1 a book.

2 Q. Okay. Anyone else?

3 A. I think -- I think the -- I think the  
4 rest of them, you know, bears some -- bears some  
5 investigation. That's why the governor  
6 authorized this investigation and that's why you  
7 guys are doing the work you're doing.

8 MR. J KIM: All right. Well, thank  
9 you for your time. I'll conclude by  
10 reminding you that under executive law  
11 63(8), you know, we ask you and information  
12 that you've obtained through our questions  
13 is confidential and you should not disclose  
14 it to anyone and, if you, you know, if you  
15 think of anything or if you need to come  
16 back to us with additional information, you  
17 know, you can contact your lawyer and he  
18 can get in touch with us.

19 THE WITNESS: Okay.

20 MR. J KIM: All right. Let me -- let  
21 me pause for a second is to make sure,  
22 Hyatt, make sure I didn't miss anything.

23 MS. MUSTEFA: I don't believe so.

24 There's nothing on my end.

25 MR. J KIM: Thank you. And I know

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1           you're quite interested in the manner in  
2           which the binder was organized but I think  
3           I told Ed before the reason we sent it  
4           over. Normally when we were in person we  
5           would have shown it to you and taken it  
6           back. But, you know, I'd ask for you to  
7           hand over your copy to Ed and Ed, you can  
8           either just destroy it, delete it, destroy  
9           it or send it back to us, whatever is  
10          easier for you but you're not to keep a  
11          copy.

12           THE WITNESS: Okay.

13           THE VIDEOGRAPHER: Anybody else?  
14           Stand by to go off the record. This  
15           concludes today's deposition of the witness  
16           06232021. The number of media units used  
17           is six. They'll been retained by Veritext  
18           Legal Solutions. We are going off the  
19           record at 4:30 p.m. eastern standard time.  
20           Stay safe everybody.

21           (Time noted: 4:30 p.m.)

22  
23  
24  
25

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1

2 C E R T I F I C A T E

3

4 STATE OF New York)

:ss

5 COUNTY OF RICHMOND)

6

7 I, RITA M. PERSICHETTY, a Notary Public within  
8 and for the State of New York, do hereby certify:

9 That RICHARD AZZOPARDI, the witness whose  
10 deposition is hereinbefore set forth, was duly sworn  
11 by me and that such deposition is a true record of  
12 the testimony given by such witness.

13 I further certify that I am not related to any  
14 of the parties to this action by blood or marriage;  
15 and that I am in no way interested in the outcome of  
16 this matter.

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 this 30th day of June, 2021.

19 

20 \_\_\_\_\_  
21 RITA M. PERSICHETTY

22

23

24

25